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**U. S. Department of Housing and Urban Development  
Office of Public and Indian Housing**

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**Special Attention of:**

**NOTICE PIH 2017-01**

Public Housing Agencies;  
Public Housing Directors

Issued: [DATE]  
Expires: [DATE]

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**Subject:** Request for Applications under the Moving to Work Demonstration Program for Fiscal Year 2017

**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 HUD.

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, Sec. 239, (2016 MTW Expansion Statute), authorizes HUD to expand the MTW Demonstration Program by an additional 100 PHAs over seven years (herein 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.

Through this Notice, HUD solicits applications for the first cohort of PHAs under the MTW Expansion. Applications for other cohorts will be sought through separate, future selection notices. Selection criteria is based on the requirements of the 1996 MTW Statute, the additional criteria in the 2016 MTW Expansion Statute, and other indicators that ensure the most 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. All applications received by the submission deadline provided in Section 4(A) of this Notice will be reviewed according to the eligibility criteria in Section 3(A) of this Notice. All eligible applications received by the submission deadline will then be subject to a lottery to determine which PHAs will receive MTW designation in this first cohort of PHAs under the MTW Expansion.

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Section 2 of this Notice outlines the anticipated program structure that will be made available to PHAs selected to participate in the MTW Demonstration Program under this and future cohorts of the MTW Expansion. Section 3 provides the selection criteria by which applicant PHAs will be assessed for the first cohort. Finally, Section 4 gives administrative details and contact information.

## **2. Anticipated Program Structure for PHAs Selected to Participate in the MTW Expansion**

### **A. MTW Expansion Overview**

The MTW Demonstration Program was first established under the 1996 MTW Statute to provide statutory and regulatory flexibility<sup>1</sup> to participating PHAs under three statutory objectives. Those three statutory objectives are to:

- reduce cost and achieve greater cost effectiveness in federal expenditures;
- give incentives to families with children where the head of household is working; is seeking work; or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- increase housing choices for eligible low-income families.

Also established under the 1996 MTW Statute are five statutory requirements that PHAs participating in the MTW Demonstration Program must continue to meet. These are:

- to ensure at least 75% of families assisted are very low-income as defined in Section 3(b)(2) of the 1937 Act;
- to establish a reasonable rent policy that is designed to encourage employment and self-sufficiency;
- to continue to assist substantially the same total number of eligible low-income families as would have been served had funds not been combined;
- 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; and
- to ensure housing assisted under the MTW Demonstration Program meets housing quality standards established or approved by the Secretary.

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<sup>1</sup> 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 more information on the history of the MTW Demonstration Program, please go to: [www.hud.gov/mtw](http://www.hud.gov/mtw).

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There are currently 39 PHAs participating in the MTW Demonstration Program. The program structure for these 39 PHAs is outlined in the Standard MTW Agreement, a contract between each current MTW PHA and HUD. The 2016 MTW Expansion Statute also extended the term of the Standard MTW Agreement through each of the current MTW PHA's 2028 fiscal year.<sup>2</sup> Participation of PHAs in the MTW Expansion will be governed by an Operations Notice containing programmatic requirements and available waivers and an amendment to the PHA's Annual Contributions Contract (ACC) or other agreement as determined by HUD. The Operations Notice, while containing much of the information in the Standard MTW Agreement, is meant to streamline administration of the MTW Demonstration Program for PHAs selected to participate in the MTW Expansion. This is explained in more detail below in Section 2(B) of this Notice.

The 2016 MTW Expansion Statute requires that HUD increase the MTW Demonstration Program by 100 PHAs over seven years. Per the 2016 MTW Expansion Statute, PHAs selected must be high performers and represent geographic diversity<sup>3</sup> across the county. Further, of these 100 PHAs:

- no less than 50 PHAs shall administer 1,000 or fewer aggregate public housing and HCV units;
- no less than 47 PHAs shall administer 1,001-6,000 aggregate public housing and HCV units;
- no more than 3 PHAs shall administer 6,001-27,000 aggregate public housing and HCV units;
- no PHA shall be granted the designation if it administers in excess of 27,000 aggregate voucher and public housing units; and
- five of the PHAs selected shall be agencies with portfolio awards under the Rental Assistance Demonstration (RAD).

Per the 2016 MTW Expansion Statute, in the MTW Expansion PHAs will be added to the MTW Demonstration Program in cohorts that will test specific policy changes. These policy changes have been established with advice from an MTW Research Advisory Committee.<sup>4</sup> The policy change that will be tested by the first cohort of PHAs selected under this Notice, as well as the other policies to be tested by future cohorts of the MTW

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<sup>2</sup> For more information on the current 39 MTW PHAs and the Standard MTW Agreement, please go to: [www.hud.gov/mtw](http://www.hud.gov/mtw).

<sup>3</sup> Decisions on geographic diversity will take under consideration both PHAs to be added under the MTW Expansion and current MTW PHAs.

<sup>4</sup> For more information on the establishment, purpose, members and meeting content of the MTW Research Advisory Committee, please go to: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph/mtw/expansion](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion).

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Expansion, are discussed in more detail in Section 2(D) of this Notice.

Also per the 2016 MTW Expansion Statute, one or more adjacent PHAs may be designated as a regional MTW PHA.<sup>5</sup> For purposes of this and future selection notices under the MTW Expansion, the applicant PHA will be assessed at the time of the submission deadline according to the size and number requirements in the 2016 MTW Expansion Statute listed above. Any future regionalization by a PHA will not be considered against the size and number requirements and will be operationalized through the terms and conditions of the Operations Notice.

## **B. Anticipated Program Structure**

The program structure of the MTW Expansion is still under development. The Department intends to balance the desire to preserve maximum flexibility for the PHAs selected under the MTW Expansion with the need to retain key protections for assisted families and the mandate to conduct robust evaluation. Because of the scale and additional statutory elements of the MTW Expansion, HUD will establish a different program structure than the one currently in place for the current 39 MTW PHAs. This new program structure will be described in an Operations Notice that will apply to all PHAs selected through the MTW Expansion. The current 39 MTW PHAs will be permitted to transition to the new program structure if they choose.

The Operations Notice that will govern the participation of all PHAs in the MTW Expansion, both those in the first cohort selected under this Notice and later cohorts, will be published by HUD at a later date. The Operations Notice will be informed by public comment, finalized by HUD and then published before any PHAs in the MTW Expansion may begin implementation of a local MTW program. It will establish program structure, detail terms and conditions and provide all available MTW waivers.

The current 39 MTW PHAs will continue to operate their programs under the Standard MTW Agreement through each MTW PHA's 2028 fiscal year. The current 39 MTW PHAs may elect to transition to the MTW Expansion framework if they choose. This elective transition process for existing MTW PHAs will be outlined in the above referenced Operations Notice.

PHAs participating in the MTW Expansion will have the ability to use funding received under Sections 8 and 9 of the 1937 Act flexibly for any eligible MTW purpose. This funding is referred to as the PHA's MTW Funds.

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<sup>5</sup> HUD has not yet determined parameters for a regional MTW PHA designation. Information on this topic will be provided at a later time.

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While the full list of MTW waivers available to PHAs participating in the MTW Expansion has not yet been established, it will be available in the Operations Notice and will be subject to public comment through the Federal Register. The MTW waivers made available to PHAs participating in the MTW Expansion in the Operations Notice will be subject to the program terms and conditions established in that notice, some of which are detailed in Section 2(C) directly below.

### **C. Program Terms and Conditions**

Under the MTW Demonstration Program, HUD may only provide flexibility from certain provisions of the 1937 Act and HUD's implementing regulations thereunder. PHAs will only be granted the flexibility expressly provided in accordance with the Operations Notice and remain subject to all other federal, state and local requirements. PHAs selected for the first cohort of the MTW Expansion under this Notice may only exercise MTW flexibility after such time as an amendment to the ACC, or other agreement as determined by HUD, detailing MTW participation is executed by both the PHA and HUD. This will occur after HUD publishes the Operations Notice detailing the program structure and requirements of the MTW Expansion. The timing for publication of the Operations Notice has not yet been established, but is anticipated to occur in calendar year 2017 after public comment has occurred.<sup>6</sup>

The 1996 MTW Statute and the 2016 MTW Expansion Statute expressly prohibit exemptions from certain provisions of the 1937 Act as a part of the MTW Demonstration Program. The following provisions of the 1937 Act shall continue to apply to applicants selected under this Notice, including:

- The terms "low-income families" and "very low-income families" shall continue to be defined by reference to Section 3(b)(2) of the 1937 Act (42 U.S.C. §1437a(b)(2));
- Section 12 of the 1937 Act (42 U.S.C. §1437j), as amended, shall apply to housing assisted under the MTW Demonstration Program, other than housing assisted solely due to occupancy by families receiving tenant-based assistance; and
- Section 18 of the 1937 Act (42 U.S.C. §1437p, as amended by Section 1002(d) of Public Law 104-19, Section 201(b)(1) of Public Law 104-134, and Section 201(b) of Public Law 104-202), governing demolition and disposition, shall continue to apply to public housing notwithstanding any use of the housing under the MTW Demonstration Program.
- Section 8(r)(1) of the 1937 Act (42 U.S.C. Section 1437f, as amended) governing portability requirements in the HCV program unless the Secretary determines that waiver of this Section is necessary to implement comprehensive rent reform and

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<sup>6</sup> For the latest timelines and news regarding the MTW Expansion, please go to: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph/mtw/expansion](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion).

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occupancy policies subject to evaluation by the Secretary, and the waiver contains, at a minimum, exceptions for requests to port due to employment, education, health and safety.

Other federal, state and local requirements applicable to public housing or HCV assistance shall continue to apply. Accordingly, if any requirement applicable to public housing or HCV assistance, outside of the 1937 Act, contains a provision that conflicts or is inconsistent with any provision of the MTW Demonstration Program, the MTW PHA remains subject to the terms of that requirement. Such requirements include, but are not limited to, the following:

- competitive HUD notices of funding availability under which the PHA has received an award;
- state and local laws;
- federal statutes other than the 1937 Act (including Appropriations Acts);
- procurement rules and regulations;
- Treasury and Office of Management and Budget (OMB) Circulars and requirements (including 2 CFR 200 and any HUD implementation thereof); and
- the PHA's local MTW program must be consistent with nondiscrimination and equal opportunity requirements, including, but not limited to those outlined at 24 CFR 5.105(a) throughout participation in the MTW Demonstration Program.<sup>7</sup>

When providing housing assistance, the PHA must ensure that it is safe, decent, sanitary, and in good repair, according to an inspection protocol established or approved by the Secretary.

The PHA must keep project level budgeting and accounting and report financial statements in the Financial Data Schedule (FDS). The PHA must abide by project level management reviews and fees. The PHA must adhere to the cost requirements of 2 CFR 200 and any HUD implementation thereof.

The PHA must cooperate fully with HUD and its contractors in the monitoring and evaluation of the MTW Demonstration Program, keep records and submit reports and other information to HUD. Applicable members of the PHA's Board of Commissioners (or equivalent governing body) and staff will be required to take HUD's "Lead the Way" training. More guidance on how to access this free, online training on PHA governance and financial management will be provided to PHAs selected under this and future

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<sup>7</sup> PIH Notice 2011-31 "Guidance on non-discrimination and equal opportunity requirements for PHAs" explains fair housing obligations of non-MTW and MTW PHAs and can be accessed at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/publications/notices/2011](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/publications/notices/2011).

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cohorts of the MTW Expansion.<sup>8</sup>

The PHA must comply with the requirements of the National Environmental Policy Act (NEPA) and other related federal laws and authorities identified in 24 CFR Part 50 or Part 58, as applicable.

The PHA must conform with all applicable nondiscrimination and equal opportunity requirements set forth in 24 CFR 5.105(a), and administer its programs and activities in a manner to affirmatively further fair housing. For example, the PHA must adhere to the civil rights certification requirements at 24 CFR 903.7(o) and 903.15. As another example, the PHA must make reasonable accommodations needed by applicants and residents and must make units accessible in accordance with the Needs Assessment and Transition Plan as required under Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 24 CFR Part 8. The PHA may not seek or obtain waivers from nondiscrimination or equal opportunity requirements.

The PHA must comply with the terms of any applicable remedial orders or agreements, including court orders or Voluntary Compliance Agreements, that are in existence or may come into existence. The PHA must cooperate fully with any audit or investigation by the Department, HUD Office of Inspector General, the Government Accountability Office, or any other investigative and law enforcement agencies of the U.S. Government.

The preceding does not represent a comprehensive list of all terms and conditions associated with participation in the MTW Demonstration Program for PHAs selected in the first cohort of the MTW Expansion under this Notice. A comprehensive list will be contained in the future Operations Notice. All PHAs selected to participate in this or future cohorts of the MTW Expansion will be subject to the Operations Notice, including any future amendments or updates to the Operations Notice.

#### **D. Evaluation of MTW Expansion PHAs**

The MTW Expansion Statute directs HUD to add PHAs to the MTW Demonstration Program by cohort and to test one specific policy change for each cohort. Under the advisement of the MTW Research Advisory Committee, HUD has established the overall policies to be studied by the cohorts through the MTW Expansion as well as what will be studied by the first cohort selected under this Notice.<sup>9</sup>

While the policy to be tested for the first cohort has been determined, the order of future

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<sup>8</sup> For more information on “Lead the Way” or to take this free, online training, please go to: <https://www.hudexchange.info/trainings/courses/lead-the-way-pha-governance-and-financial-management/>.

<sup>9</sup> For more information on this meeting of the MTW Research Advisory Committee, please go to: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph/mtw/expansion](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/mtw/expansion).

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policies has not yet been decided. Additional information on the order, timing and research design of future policies to be tested under the MTW Expansion will be given in greater detail in the selection notices for those cohorts. Policies to be tested under the MTW Expansion, in no particular order except for the first cohort, include:

- *Overall Impact of MTW Flexibility:* In this first cohort, the overall effects of MTW flexibility on a PHA (and the residents it serves) will be evaluated.
- *Rent Reform:* In this cohort, different rent reform models that may or may not be income based, to include flat rents, tiered rents, and stepped-up rents, will be evaluated. It is possible that PHAs selected in this cohort may also evaluate the interaction of these rent reform models with and/or without work requirements and/or time limits.
- *Work Requirements:* In this cohort, work requirements for workable households without additional rent reforms or time limits will be evaluated. PHAs selected in this cohort will provide applicable supportive services either directly or through a partner.
- *Landlord Incentives:* This cohort will evaluate how to improve landlord participation in the HCV program through incentives such as participation payments, vacancy payments, alternate inspection schedules and other methods.

The first cohort of the MTW Expansion will evaluate the overall effects of MTW flexibility on a PHA (and the residents it serves). In order to understand this holistic effect of MTW flexibility, HUD will compare outcomes related to the three MTW statutory objectives - cost effectiveness, self-sufficiency and housing choice - between applicant PHAs assigned to a treatment group (that receive MTW designation) and applicant PHAs assigned to a control group (that do not receive MTW designation).

The first cohort of the MTW Expansion to be selected through this Notice will consist of approximately 30 PHAs with 1,000 or fewer aggregate public housing and HCV units. To select these 30 PHAs, HUD will first assess eligibility of all applicant PHAs according to the eligibility criteria in Section 3(A) of this Notice. All applicant PHAs found to be eligible will be separated into five geographic areas, these are the: Northeast (HUD Regions 1, 2, 3); Southeast (HUD Region 4); Midwest (HUD Region 5); Southwest (HUD Regions 6, 7) and West (HUD Regions 8, 9, 10).<sup>10</sup> A lottery will then be conducted for each geographic area to randomly assign applicant PHAs to a treatment group (that will receive MTW designation) and to a control group (that will not receive MTW designation). The target numbers of applicant PHAs assigned to the treatment group by regions are: Northeast (5 PHAs); Southeast (7 PHAs); Midwest (5 PHAs); Southwest (10 PHAs); and West (3 PHAs).<sup>11</sup>

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<sup>10</sup> A map and more information on HUD's regions can be accessed at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/about/field\\_office](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/about/field_office).

<sup>11</sup> The target number of applicant PHAs to be assigned to the treatment group by region was determined proportionally according to the number of PHAs with 1,000 combined units or less in that region.

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Non-selection in this first cohort will not preclude eligible applicant PHAs assigned to the first cohort control group from applying to a future cohort under the MTW Expansion and receiving MTW designation in a future cohort

The underlying evaluation question for this first cohort is: “What is the impact of MTW flexibility?” The outcome measures will be aligned with the MTW statutory objectives of:

- Cost Effectiveness (for example, how does MTW impact staffing, resources allocation and leveraging of other funds?)
- Self-Sufficiency (for example, how does MTW impact who is served, how long and what happens after they leave assistance?)
- Housing Choice (for example, how does MTW impact the housing quality, neighborhood safety and access to community resources?)

To support this research HUD will make available a web-based Baseline Research Survey that applicants will be required to complete as a part of the application process. Applicants will be notified on how to access and complete the Baseline Research Survey no less than 30 days before the submission deadline date provided in Section 4(A) of this Notice. This information will be conveyed via email to the addressee that transmitted the application and the primary point of contact given according to Section 3(B)(iii)(a) of this Notice.

Beyond the requirement that applicants complete the Baseline Research Survey, the data will not be used in determining selection. The purpose for collecting the data is to know the baseline characteristics of all applicants in order to (i) describe the characteristics of PHAs at time of application; and (ii) document that those not selected (randomly) have approximately the same aggregate baseline characteristics of the PHAs selected.

### **3. Selection Criteria for First Cohort of MTW Expansion**

#### **A. Criteria for Applicant Eligibility**

By the submission deadline, applicants must meet all the eligibility requirements included in this section in order to be entered into the lottery to receive MTW designation under this Notice. All eligibility requirements will be validated as of the submission deadline date provided in Section 4(A) of this Notice. Applicants will demonstrate that these eligibility requirements are met through submission of the eligibility materials described in Section 3(B)(ii) of this Notice and other items as described in Sections 3(B)(iii)-(vi) of

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**i. Eligibility Requirements**

**a) List of Statutory Eligibility Requirements**

- (1) Designation as a High Performer under the Public Housing Assessment System (PHAS) if the PHA administers public housing units;
- (2) Designation as a High Performer under the Section Eight Management Assessment Program (SEMAP) if the PHA administers an HCV program;
- (3) Administration of 1,000 or fewer aggregate public housing and HCV units; and
- (4) Certification of the PHA's commitment to participate in the first cohort policy evaluation of the MTW Expansion (as explained in Section 2(D) of this Notice) regardless of placement in the treatment or control group.

**b) List of Additional Eligibility Requirements**

- (1) The applicant is a PHA.
- (2) The PHA published a notice that a hearing would be held on the MTW application and accompanying MTW Plan and that the application, along with the MTW Plan and all relevant information, was available for public inspection for at least 30 days. The PHA also conducted a public hearing to discuss the application and invited public comment. The PHA's Board of Commissioners (or equivalent governing body) approved the application no less than 15 days after that public hearing;
- (3) The PHA notified public housing residents and/or HCV participants (as applicable to the PHA's inventory) of its intention to participate in the MTW Demonstration Program in advance of the public hearing and held at least two additional public meetings (separate from the public hearing) on its potential local MTW program that were targeted to residents/participants. These two additional public meetings must have occurred before the public hearing;
- (4) The PHA provided the comments received through the processes/meetings in Sections 3(A)(i)(b)(2) and 3(A)(i)(b)(3) directly above, along with the PHA responses to those comments, as a part of this application;
- (5) The PHA has a reporting rate in the Inventory Management System/Public and Indian Housing Information Center (IMS/PIC) of at least 95% of households in both the public housing and HCV programs (as applicable to the PHA's inventory);
- (6) The PHA is up-to-date on all required submissions into the Voucher Management System (VMS) if the PHA administers an HCV program;

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- (7) The PHA submitted all required submissions for the preceding three fiscal years into the Financial Assessment Sub-System (FASS-PH), FDS;
- (8) The PHA submitted its past three PHA Plans on time;
- (9) The PHA submitted reasonable, substantive and complete narrative information on the materials described in Sections 3(B)(iii), 3(B)(iv), 3(B)(v) and 3(B)(vi) of this Notice;
- (10) There is an absence of unaddressed findings from Inspector General audits, Independent Public Accountant (IPA) audits, Tier I or II reviews, litigation, 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 3(A)(ii) 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. The PHA has an Assessment of Fair Housing accepted by the Department, as applicable in accordance with 24 CFR 5.154(b) and 903.15;
- (11) The PHA met 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 if the PHA administers public housing units;
- (12) The PHA is in compliance with Enterprise Income Verification (EIV) for tenant income verifications, reexaminations, and recertifications as required by the December 29, 2009 Final Rule (74 FR 68923);
- (13) If an outstanding repayment agreement with HUD is in place, the PHA has made payments according to that agreement;
- (14) The PHA provided required standard forms, including: Certification of Consistency with the Consolidated Plan (form HUD-2991), Disclosure of Lobbying Activities (SF-LLL) and the related Certification of Payments (form HUD-50071);
- (15) The PHA meets requirements under Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135; and
- (16) The PHA submitted the Baseline Research Survey information as directed by HUD during the application window. The Baseline Research Survey is not yet available and will be provided to applicant PHAs no less than 30 days before the submission deadline date provided in Section 4(A) of this Notice.

## **ii. Non-Eligible Applicants**

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

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Outstanding civil rights matters must be resolved before the submission deadline. Applicants who after review are confirmed to have civil rights matters unresolved at the submission deadline will be determined ineligible; the application will receive no further review. Applicants 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 before or on the submission deadline 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.

Notwithstanding the civil rights certifications of the PHA under Attachment 3 of this Notice, HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the submission deadline 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

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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.

## **B. Submission Requirements**

### **i. Application Contents and Organization**

#### ***a) Electronic Submission Requirement***

Applications must be submitted electronically as converted PDFs or as Microsoft Word documents (1997 version or higher) to: Dominique Blom; Deputy Assistant Secretary for Public Housing Investments; e-mail: [mtw-info@hud.gov](mailto:mtw-info@hud.gov).

The addressee that transmitted the application and the primary point of contact given according to Section 3(B)(iii)(a) of this Notice will receive an email confirming receipt of the application within 72 hours of submission.

#### ***b) Instructions on Application Layout and Page Count***

The first part of the application will consist of narrative information responding to Sections 3(B)(iii)-(vi) of this Notice. HUD will not use the information for any scoring and ranking, but for context and potential future evaluation of the MTW Demonstration Program. All pages should be numbered in this first part of the application. The second part of the application will consist of seven attachments confirming eligibility under this Notice, demonstrating Board approval of the MTW application, and providing other required HUD forms and supporting documentation. Pages should be numbered only in Attachment 7 of this second part of the application.

The first part of the application containing the narrative information must contain page numbers and no more than 20 pages. Any pages beyond this limit will not be reviewed. HUD will not consider the information on excess pages. While applications under this Notice are subject to a lottery after eligibility is determined and not scored or ranked, this may result in a failure to meet eligibility requirements. Pages in the first part of the application must be double-spaced, on

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8½ x 11-inch paper, use Times New Roman 12-point font, and contain no more than a one-inch margin on all sides. If one or more of these requirements are not met on a particular page, that page will be counted as two pages. A main cover page and the table of contents will not count towards the page limit. Any other cover pages in the first part of the application will count towards the page limit.

The second part of the application containing the attachments consists mainly of HUD certifications and forms that should be submitted as provided in this Notice or as published by HUD. There is therefore no page limit associated with Attachments 1-5 described below in the table of contents. The length of Attachment 6 will be determined by the quantity of comments received during the public process/meetings. There is no prescribed format for the pages in Attachment 6. Attachment 7 must contain page numbers and be no more than 10 pages. There is no prescribed format for the pages in Attachment 7 as they may be letters of support, meeting materials, sign-in sheets, resumes, etc.

*c) Application Table of Contents*

All applications must be submitted with a table of contents that arranges the application in the following order:

**PART I (Contains no more than 20 pages and has page numbers).**

- Section 1: Evidence of Capability – this is a narrative section that responds to Section 3(B)(iii) of this Notice.
- Section 2: Evidence of Community Support and Involvement – this is a narrative section that responds to Section 3(B)(iv) of this Notice.
- Section 3: MTW Plan – this is a narrative section that responds to Section 3(B)(v) of this Notice.
- Section 4: Likelihood of Implementation – this is a narrative section that responds to Section 3(B)(vi) of this Notice.

**PART II (No page limit or page numbers necessary for Attachments 1-6. Attachment 7 contains no more than 10 pages and has page numbers).**

- Attachment 1: Eligibility Checklist – this must be submitted as described in Section 3(B)(ii)(a) and Attachment 1 of this Notice.
- Attachment 2: Commitment to Participate in First Cohort Policy Evaluation – this must be submitted as described in Section 3(B)(ii)(b) and Attachment 2 of this Notice.
- Attachment 3: Moving to Work Certifications of Compliance – this must be submitted as described in Section 3(B)(ii)(c) and Attachment 3 of this Notice.
- Attachment 4: Board Resolution Approving MTW Application – this must be

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submitted as described in Section 3(B)(ii)(d) of this Notice.

- **Attachment 5: Required Standard Forms** – this must include all of the standard forms listed in the Eligibility Requirements in Section 3(A)(i)(b)(14) of this Notice.
- **Attachment 6: Public Process Comments and Responses** – this must include comments received by the PHA (both verbally and in writing) from the public processes and meetings described in Sections 3(A)(i)(b)(2) and 3(A)(i)(b)(3) of this Notice and the PHA responses to those comments.
- **Attachment 7: Other Supporting Documentation** – the PHA may provide supporting documentation, such as letters of support, community meeting materials, resumes, etc. to substantiate and reinforce narrative information provided on the rating factors.

## **ii. Eligibility Documentation**

### ***a) Eligibility Checklist (Attachment 1 of this Notice)***

The PHA must provide the “Eligibility Checklist” covering the items set forth in Section 3(A) of this Notice. A sample checklist for this purpose is provided in Attachment 1 of this Notice. This should be completed and executed by the PHA according to the provided instructions and submitted with the application.

### ***b) Commitment to Participate in First Cohort Policy Evaluation (Attachment 2 of this Notice)***

The PHA must provide a certification specific to the obligations under the first cohort policy evaluation as described in Section 3(A)(i)(a)(4) of this Notice. A sample certification sheet for this purpose is provided in Attachment 2 of this Notice. This should be completed and executed by the PHA according to the provided instructions and submitted with the application.

### ***c) Moving to Work Certifications of Compliance (Attachment 3 of this Notice)***

The PHA must provide a certification that the application is consistent with the “Moving to Work Certifications of Compliance.” A certification sheet for this purpose is provided in Attachment 3 of this Notice. This should be completed and executed by the PHA according to the provided instructions and submitted with the application.

### ***d) Board Resolution Approving MTW Application and MTW Plan***

The PHA must provide a resolution signed by the Board of Commissioners (or equivalent governing body) adopting the application, including the MTW Plan, and certifications contained therein. The resolution must also detail the dates of at

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least the minimum public process requirements described in Sections 3(A)(i)(b)(2) and 3(A)(i)(b)(3) of this Notice. There is no prescribed format for the Board Resolution.

### **iii. Section 1: Evidence of Capability**

This section provides narrative information on the PHA's capability to effectively organize and administer a local MTW program.

#### ***a) Skills and Experience of Personnel***

Provide a summary of the relevant experience and skills of the personnel with primary responsibility for implementing the PHA's local MTW program. Provide the name, title, phone number, mailing address and email address of the primary point of contact for the application should any questions or information regarding this Notice need to be conveyed.

#### ***b) Experience and Accomplishments of PHA***

Discuss the PHA's experiences, activities, and/or accomplishments demonstrating its ability to participate in the MTW Demonstration Program. Please also include a discussion of any achievements where the PHA has shown excellence in fair housing, environmental compliance and/or other areas.

#### ***c) Creativity and Innovation of PHA***

Within its current programs, describe how the PHA has already exhibited innovation and creativity towards the MTW statutory objectives of: achieving better cost effectiveness of federal expenditures, encouraging self-sufficiency and increasing housing choice.

#### ***d) PHA Participation in the Rental Assistance Demonstration***

Describe the PHA's participation, including any portfolio award, in the Rental Assistance Demonstration (RAD) to date. If the PHA has had no participation in RAD, please state this.

### **iv. Section 2: Evidence of Community Support and Involvement**

This section provides narrative information on the extent to which the PHA sought and considered community and resident/participant feedback in compiling this application and the extent to which the PHA plans to create meaningful opportunities for resident/participant and community engagement throughout its participation in the MTW Demonstration Program.

#### ***a) Evidence of Community/Resident Input***

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In the formation of this application, discuss how the PHA engaged residents/participants in its low-income and affordable housing programs, as well as the broader community and stakeholders, including racial and ethnic minorities, persons with limited English proficiency, persons with disabilities and groups representing such persons. This should include dates, location and attendance information of the two required public meetings (as described in Section 3(A)(i)(b)(3) of this Notice) and the public hearing (as described in Section 3(A)(i)(b)(2) of this Notice). Discuss how the PHA sought proactive engagement before and during the creation of the application and input on drafts and finished products. Provide a description of how suggestions and feedback that resulted from these engagements were incorporated into the application. Information provided under this item will be used to verify that the PHA has met eligibility requirements under this Notice.

***b) Plan for Future Community/Resident Engagement***

Discuss how the PHA plans to continue to engage residents/participants 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 affirmative outreach and engagement efforts with racial and ethnic minorities, persons with limited English proficiency, persons with disabilities and groups representing such persons.

***c) 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). Discuss any partnerships that link the provision of housing to transportation, energy, recreation, public health services and education providers. The PHA should clearly explain how such partnerships will help to achieve the vision of the PHA's local MTW program.

***d) Plan to Leverage Funds and In-Kind Resources***

Discuss how the PHA intends to leverage funding and/or other in-kind resources in the implementation of its local MTW program

**v. Section 3: MTW Plan**

This section provides narrative information on the scope and quality of the PHA's proposed local MTW program.

***a) Vision for PHA's Local MTW Program***

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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.

***b) 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.

***c) 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 rather 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:

- (1) Cost Effectiveness
- (2) Self-Sufficiency
- (3) Housing Choice

***d) Proposed Use of MTW Funds***

List or describe the PHA's proposed uses of MTW Funds (as explained in Section 2(B) of this Notice). Describe both uses across traditional Section 8 and Section 9 program lines (if applicable) and uses in support of the local MTW program.

***e) Plan for Evaluation of PHA's Local MTW Program***

As described in Section 2(D) of this Notice, HUD will oversee the first cohort policy evaluation. Separate from this endeavor, describe any planned efforts of the PHA to evaluate the effectiveness of its local MTW program. Discuss any involvement of outside evaluators. Discuss any potentially replicable program models for other MTW and/or non-MTW PHAs.

***f) How the PHA's Local MTW Program Will Affirmatively Further Fair Housing***

Discuss ways in which the PHA's local MTW program will assist in meeting the

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PHA's fair housing goals and strategies, as described in the PHA's Plan in accordance with HUD's Affirmatively Furthering Fair Housing (AFFH) rule and conforming rules, and will be consistent with fair housing goals and strategies of any jurisdiction (which the PHA serves) that must have an Assessment of Fair Housing or Analysis of Impediments to Fair Housing Choice, as applicable (24 CFR 5.150 et seq., 9-3.7(o), and 903.15).

#### **vi. Section 4: Likelihood of Implementation**

This section provides narrative information on the extent to which the application demonstrates that implementation of a local MTW program is reasonably likely to occur and that the local MTW program will continue to grow and innovate throughout the PHA's participation in the MTW Demonstration Program.

##### ***a) Significant Dates and Milestones for the PHA's Local MTW Program***

To get a sense of the initial milestones of the PHA's local MTW program, provide a detailed schedule from entry to the MTW Demonstration Program through the first two years that includes resident and community engagement, development of the local MTW program and any other important milestones. This timeline should begin in the summer of 2017 after the final Operations Notice is expected to be published (see Section 2(B) of this Notice) and not exceed the first two years of implementation.

##### ***b) Feasibility of the PHA's Local MTW Program***

Describe the specific staff and administrative resources, both leveraged and funded directly by the PHA, that the PHA plans to allocate towards its local MTW program and how these are sufficient to meet the two-year schedule detailed in Section 3(B)(vi)(a).

##### ***c) Local MTW Program Alignment with Existing Efforts***

Describe how existing efforts of the PHA contribute towards potential future success of the local MTW program.

### **C. Selection of Applicant PHAs**

#### **i. Application Evaluation Criteria and Selection Process**

HUD will first conduct an eligibility review according to Section 3(A) of this Notice on all applications received by the submission deadline provided in Section 4(A) of this Notice. After eliminating PHAs that fail to meet the eligibility review, HUD will place all eligible applicant PHAs into a lottery by geographical area. The lottery will randomly assign applicant PHAs to a treatment group that will receive MTW

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designation from each of the following geographical areas: Northeast (HUD Regions 1, 2, 3); Southeast (HUD Region 4); Midwest (HUD Region 5); Southwest (HUD Regions 6, 7) and West (HUD Regions 8, 9, 10).<sup>12</sup> The target numbers of applicant PHAs assigned to the treatment group by regions are: Northeast (5 PHAs); Southeast (7 PHAs); Midwest (5 PHAs); Southwest (10 PHAs); and West (3 PHAs). The eligible applicant PHAs not selected through the lottery to receive MTW designation in the treatment group will be assigned to the first cohort control group.

Eligible applicant PHAs assigned to the first cohort control group will not receive MTW designation but may be asked to provide information to HUD in the future for evaluative purposes. Non-selection in this cohort will not preclude eligible applicant PHAs assigned to the first cohort control group from applying to a future cohort under the MTW Expansion and receiving MTW designation in a future cohort, provided the PHA is eligible under the terms of the selection notice for that future cohort.

Depending on the number of eligible applications received, the geographic regions represented, and prevalence of RAD participation, HUD may adjust the overall number of applicants to be selected for the treatment group and/or the number of applicants to be selected for the treatment group in each geographical area.

HUD will announce selected applicants on the MTW website at: [www.hud.gov/mtw](http://www.hud.gov/mtw). Selection does not constitute formal entry into the MTW Demonstration Program. Selected PHAs may not combine Section 8 and Section 9 funding or invoke any MTW flexibility before an ACC amendment, or other agreement as determined by HUD, detailing MTW participation is executed by both HUD and the PHA.

## **ii. Information for Applicants Not Selected**

For a period of at least 60 days after the announcement of selected applicants is made, HUD will provide to a requesting applicant PHA a debriefing related to its application. A request for debriefing must be made by email by an authorized official of the applicant PHA and submitted to: Marianne Nazzaro; Program Director, Moving to Work Demonstration Program; e-mail: [mtw-info@hud.gov](mailto:mtw-info@hud.gov).

Information provided during the debriefing will include a verbal summary of the finding of eligibility under Section 3(A) of this Notice.

## **4. Administrative and Contact Information**

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<sup>12</sup> A map and more information on HUD's regions can be accessed at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/about/field\\_office](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/about/field_office).

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#### **A. Submission Deadline**

Applications in response to this Notice must be received by: <<**INSERT DATE AND TIME**>>.

#### **B. 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.

#### **C. Additional Resources**

PHAs interested in applying to the first cohort of the MTW Expansion under this Notice will find resources available in compiling applications at: [www.hud.gov/mtw](http://www.hud.gov/mtw). Here, HUD will post this Notice, copies of Attachments 1-3, links to the standard forms listed in Section 3(A)(i)(b)(14) of this Notice, and Frequently Asked Questions.

#### **D. Contact Information**

For further information, contact: Marianne Nazzaro; Director, Moving to Work Demonstration Program; e-mail: [mtw-info@hud.gov](mailto:mtw-info@hud.gov), or visit the MTW Demonstration Program website at: [www.hud.gov/mtw](http://www.hud.gov/mtw).

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Lourdes Castro Ramírez  
Principal Deputy Assistant Secretary  
for Public and Indian Housing

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## ATTACHMENT 1 Eligibility Checklist

All applicants in response to PIH Notice 2017-01 (HA) must meet the following items in order to be eligible for consideration. HUD confirms eligibility requirements upon receipt of the PHA’s application independent of this checklist. At HUD’s sole discretion, if HUD substantiates that a PHA has misrepresented information in the application, the PHA’s application is disqualified.

A sample Microsoft Word file of this checklist is available on the HUD website ([www.hud.gov/mtw](http://www.hud.gov/mtw)).

All requirements are assessed as of the submission deadline given in Section 4(A) of PIH Notice 2017-01 (HA).

	Yes	No	N/A
<b>Statutory Eligibility Requirements</b>			
(1) If the PHA administers public housing units, is the PHA a High Performer under PHAS?			
(2) If the PHA administers an HCV program, is the PHA a High Performer under SEMAP?			
(3) Does the PHA administer 1,000 or less aggregate public housing and HCV units?			
(4) Does the PHA commit to participating in the first cohort policy evaluation regardless of placement in the treatment or control group?			
<b>Additional Eligibility Requirements</b>			
(1) Is the applicant a PHA?			
(2) Did the PHA publish a notice that a hearing would be held and that the application and MTW Plan, along with all relevant information, was available for public inspection for at least 30 days? Did the PHA conduct a public hearing to discuss the application and invite public comment? Did the PHA’s Board of Commissioners (or equivalent governing body) approve the application no less than 15 days after that public hearing?			
(3) Did the PHA notify public housing residents and/or HCV participants (as applicable to the PHA’s inventory) of its intention apply to participate in the MTW Demonstration Program and subsequently hold at least two additional public meetings (separate			

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	Yes	No	N/A
from the public hearing) on its potential local MTW program targeted to residents/participants? Were both of these public meetings before the public hearing?			
(4) Did the PHA provide comments received through the required public processes/meetings along with the PHA responses to those comments in this application?			
(5) Does the PHA have a reporting rate in IMS/PIC of at least 95% in both the public housing and HCV programs (as applicable to the PHA's inventory)?			
(6) If the PHA administers an HCV program, is the PHA up-to-date on all required submissions into VMS?			
(7) Did the PHA submit all required submissions for the preceding three fiscal years in the FASS-PH, FDS?			
(8) Did the PHA submit its past three PHA Plans on time?			
(9) Did the PHA submit reasonable, substantive and complete narrative information on the materials described in Sections 3(B)(iii), 3(B)(iv), 3(B)(v) and 3(B)(vi) of PIH Notice 2017-01?			
(10) Are there no unaddressed findings from IG audits, IPA audits, Tier I or II reviews, litigation or any other on-site or remote reviews for the PHA? Has the PHA resolved outstanding nondiscrimination or equal opportunity charges, cause determinations, lawsuits, or letters of finding in accordance with Section 3(A)(ii) of this Notice? Is the PHA 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? Has the PHA has an Assessment of Fair Housing accepted by the Department, as applicable in accordance with 24 CFR 5.154(b) and 903.15?			
(11) If the PHA administers a public housing program, did the PHA meet obligation and expenditure deadlines of CFP grants in accordance with the requirements of Section 9(j) or the 1937 Act for the past three years?			
(12) Is the PHA in compliance with EIV for tenant income, verifications, reexaminations and recertifications?			
(13) If the PHA has an outstanding repayment agreement with HUD in place, has the PHA made payments according to that agreement?			

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	Yes	No	N/A
(14) Did the PHA provide the required standard forms, including: form HUD-2991, SF-LLL and HUD-50071?			
(15) Does the PHA meet requirements under Section 3 of the Housing and Urban Development Act of 1968 (12 USC 1701u) and implementing regulations at 24 CFR part 135?			
(16) Did the applicant submit the Baseline Research Survey information as directed by HUD during the application window?			
<b>Additional Items</b>			
Does the PHA and its sub-recipients comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the American with Disabilities Act; Section 109 of the Housing and Community Development Act of 1974, and the Department's Equal Access Regulation at 24 CFR 5.105(a)(2)? In addition, if the PHA's state or local government has passed a law or laws proscribing discrimination in housing based on sexual orientation or gender identity, or a law or laws proscribing discrimination based on lawful source of income, does the PHA and any sub-recipients comply with those laws?			
If the PHA is conducting programs or activities with funds received under a HUD program NOFA in a state or local jurisdiction that has passed a law or laws proscribing discrimination in housing based upon sexual orientation, gender identity, or marital status or a law or laws proscribing discrimination in housing based on lawful source of income, does the PHA and its sub-recipients comply with those laws of the states or localities in which the programs or activities are conducted?			
PHA NAME: _____			
NAME OF AUTHORIZED OFFICIAL*: _____			
SIGNATURE: _____			

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Yes	No	N/A
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\* *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 2  
Commitment to Participate in First Cohort Policy Evaluation**

<b>COMMITMENT TO PARTICIPATE</b>
<p><b>U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF PUBLIC AND INDIAN HOUSING</b></p> <p><b>Commitment to Participate in First Cohort Policy Evaluation</b></p>
<p>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 first cohort policy evaluation as described in PIH 2017-01 understanding the following considerations:</p> <ol style="list-style-type: none"><li>(1) In addition to the elements describe in PIH 2017-01, HUD will provide additional scope and information about the first cohort policy evaluation that the PHA must adhere to.</li><li>(2) The PHA must participate in the first cohort policy evaluation whether or not it receives an MTW designation through the lottery process described in PIH 2017-01.</li><li>(3) In the event the PHA is not designated to participate in the MTW demonstration through PIH 2017-01, 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 first cohort policy evaluation as well.</li><li>(4) The PHA will cooperate fully with HUD and its contractors in the first cohort policy evaluation. Failure to cooperate fully may impact the PHA's future participation in or selection to the MTW demonstration, as</li></ol>

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determined by HUD.	
_____ <b>PHA NAME</b>	_____ <b>PHA NUMBER/HA CODE</b>
<i>I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).</i>	
_____ <b>NAME OF AUTHORIZED OFFICIAL*</b>	_____ <b>TITLE</b>
_____ <b>SIGNATURE</b>	_____ <b>DATE</b>
<small>* 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.</small>	

**ATTACHMENT 3  
Moving to Work Certifications of Compliance**

<b>CERTIFICATIONS OF COMPLIANCE</b>
<b>U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF PUBLIC AND INDIAN HOUSING</b>
<b>Certifications of Compliance with Regulations: Board Resolution to Accompany Application to the Moving to Work Demonstration Program</b>

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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 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 Plan and implementation thereof:

- (1) 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.
- (2) 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.
- (3) 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).
- (4) The PHA must certify that it will carry out its plan 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), and title II of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), and other applicable Federal civil rights law and that it will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified by the Assessment of Fair Housing conducted in accordance with the requirements of 24 CFR 5.150-5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR 903.7(o)(3).
- (5) The application is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
- (6) The application contains a certification by the appropriate State or local officials that the application is consistent with the applicable Consolidated Plan, which incorporates a fair housing strategy that reflects the jurisdiction's Assessment of Fair Housing or Analysis of Impediments to Fair Housing Choice, as applicable, and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
- (7) The PHA will affirmatively further fair housing. A PHA shall be considered in compliance with the certification requirements of 24 CFR 903.7(o)(1) and 903.15(d) and: (i) Examines its programs or proposed programs; (ii) Identifies an fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; (iii) Specifies actions and strategies designed to address contributing factors, related fair housing issues and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154, in a reasonable manner in view of the resources available; (iv) Works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) Operates programs in a manner consistent consolidated plan under 24 CFR Part 91, and with any order or agreement, to comply with the authorities, specified in paragraph (o)(1) of this section; (vi) Complies with any contribution or consultation requirement with respect to any applicable Analysis of Fair Housing, in accordance with 24 CFR 5.150-5.180; (vii) Maintains records reflecting these analyses, actions, and the results of these actions; and (viii) Takes steps acceptable to HUD to remedy known fair housing and civil rights violations.
- (8) The PHA complies with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
- (9) The PHA complies with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
- (10) 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 135.
- (11) The PHA complies with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
- (12) 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.
- (13) 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.

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- (14) The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- (15) 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.
- (16) 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.
- (17) 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.
- (18) The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
  - (19) 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.
- (20) 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.

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**PHA NAME**

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**PHA NUMBER/HA CODE**

*I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).*

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**NAME OF AUTHORIZED OFFICIAL\***

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**TITLE**

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**SIGNATURE**

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**DATE**

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