

**RESOLUTION NO. \_\_\_\_\_**

**APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN**

**Item No. 5G**

WHEREAS, the Louisville Metro Housing Authority (LMHA), as the Housing Authority of Louisville, executed a Moving to Work (MTW) Agreement on August 2, 1999; an Amended and Restated Agreement on April 15, 2008, which provides LMHA with some authority to investigate and adopt new policies and to flexibly use HUD funding and which extended participation in the MTW Program until June 30, 2018 and subsequently extended participation until June 30, 2028; and Amendment to the Amended and Restated Agreement on March 17, 2020, which authorized citations to waive an independent entity inspection; and

WHEREAS, as a part of the Amended and Restated MTW Agreement, an MTW Annual Plan for Fiscal Year (FY) 2023 must be developed and submitted to HUD to formally enable LMHA to fully use the policy and budget flexibility provided to public housing agencies participating in the MTW Program; and

WHEREAS, a Board Resolution approving the proposed FY 2023 MTW Annual Plan and required Certifications must be included in the submission provided to HUD; and

WHEREAS, the proposed FY 2023 MTW Annual Plan was made available for public comment between March 18, 2022 and April 18, 2022 and a public hearing was held on March 29, 2022 to discuss the Proposed FY 2023 MTW Annual Plan.

RESOLUTION NO. \_\_\_\_\_

**APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN**

Item No. **5G**

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS that the FY 2023 MTW Annual Plan is approved, and that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to execute and submit the Plan to the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that Board Chairman, Manfred Reid, is hereby authorized to sign the required Certifications of Compliance.

## **RESOLUTION BACKGROUND STATEMENT**

### **APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN**

#### **Item No. 5G**

#### **I. STATEMENT OF FACTS:**

Moving to Work (MTW) is a demonstration program legislated by Congress in 1996 that provides increased autonomy for selected Public Housing Agencies (PHA) to meet specific local housing needs. The MTW Demonstration Program provides participating PHAs flexibility to evaluate various housing approaches that achieve greater cost effectiveness, provide incentives to residents to obtain employment and become economically self-sufficient, and to increase housing choices for low-income families. MTW legislation allows participating PHAs to combine federal resources from the Operating Budget, Capital Fund, and the Housing Choice Voucher programs, and the flexibility to efficiently utilize these HUD funding sources.

In October 1997, the former Housing Authority of Louisville (HAL) was chosen as one of 24 MTW Demonstration awardees. HAL's MTW Agreement, which specified the regulatory relief afforded to the organization, was finalized and signed on August 2, 1999, and was originally drafted for a five-year period. This agreement, which now covers the Louisville Metro Housing Authority (LMHA), was set to expire on June 30, 2005. LMHA was fortunate to receive a one-year extension followed by an additional three-year extension.

On December 20, 2007, HUD notified LMHA of its intent to amend and restate MTW agreements with participating PHAs. This new agreement was adopted by the Board on April 15, 2008 and extended participation in the MTW Program until June 30, 2018. This date was later extended to June 30, 2028.

MTW agencies are required to prepare and submit MTW Annual Plans in lieu of PHA Annual Plans, which are required of all other agencies. In compliance with this requirement, the LMHA Board of Commissioners is set to adopt the FY 2023 MTW Annual Plan on April 19, 2022 and the Plan will be submitted to HUD by April 22, 2022.

LMHA hired Edgemere Consulting Corporation to assist in the development of MTW Plans and Reports and other related MTW activities. The FY 2023 MTW Annual Plan has been prepared and made available for public comment on March 18, 2022 through April 18, 2022. A public hearing to discuss the proposed Plan was held on March 29, 2022.

## RESOLUTION BACKGROUND STATEMENT

### APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN

#### Item No. 5G

#### I. STATEMENT OF FACTS (cont'd):

LMHA proposes one new activity for FY 2023:

##### Activity 2023-1: Special Referral MTW Public Housing Program

In FY 2023, LMHA proposes the implementation of a public housing special referral program in partnership with the Family Scholar House. LMHA will provide temporary public housing assistance to families while they work to obtain a college degree or are enrolled as a full-time student in an apprenticeship program. Families will be referred by Scholar House, and eligible households will receive an admissions preference for the public housing program. Participants who successfully graduate from the program will receive a preference for the Authority's Housing Choice Voucher (HCV) Program, if the participant was living in LMHA public housing at the time of program completion.

LMHA also proposes non-significant amendments to the following activities:

##### Activity 2005-1: Special Referral MTW HCV Programs

In FY 2022, LMHA proposes the provision of additional vouchers to five existing partner organizations:

1. Wellspring (30 vouchers)
2. Joshua Community Connectors (20 vouchers)
3. Louisville Metro Government (LMG) Office of Resilience and Community Services (20 vouchers)
4. LMG Office of Safe and Healthy Neighborhoods (10 vouchers)
5. My Chosen People (10 vouchers)

LMHA also plans to provide vouchers to three new partner organizations:

1. Hope Buss (10 vouchers)
2. Kentucky Refugee Ministries (10 vouchers)
3. YouthBuild Louisville (10 vouchers)

##### Activity 2006-1: MTW Homeownership Program

- LMHA proposes a change to the program's eligibility requirements to allow participation by families that include an adult household member working 25-29 hours per week and earning at least 175% of the minimum wage.

## RESOLUTION BACKGROUND STATEMENT

### APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN

#### Item No. 5G

#### I. STATEMENT OF FACTS (cont'd):

- LMHA also proposes the provision of an admissions preference to eligible families purchasing a duplex through the REBOUND homeownership initiative.

##### Activity 2014-2: HCV Program Rent Increase Limit

LMHA currently caps annual contract rent increases in the HCV Program at 2%. The Authority proposes a change that would better align this cap with annual increases in the Fair Market Rents (FMR). LMHA plans to set the annual cap to the average annual increase in FMRs across 1-4 bedroom unit sizes rounded down to the nearest whole number.

##### Activity 2015-1: HCV Program – HUD/MDRC Rent Reform Demonstration

The HUD Rent Reform Demonstration study is scheduled to end during FY 2022. The activity will be closed out in the FY 2022 MTW Report.

##### Activity 2019-1: Enhancements to Local Project-Based Voucher (PBV) Program

LMHA proposes to extend the use of the Low-Income Housing Tax Credit (LIHTC) Program's Tenant Income Certification form to PBV properties that have received conditional LIHTC approval.

##### Activity 2020-1: Rent Simplification

- LMHA plans to exclude guaranteed income payments of up to \$6,000 annually received by LMHA families participating in the YALift! guaranteed income pilot.
- LMHA plans to discontinue its policy of excluding all full-time student income and adoption assistance payments. Instead, LMHA will apply standard HUD policies to these income sources, excluding all but \$480.

##### Activity 2020-4: Family Self Sufficiency (FSS) Program Enhancements

Upon HUD approval, LMHA will provide an additional incentive payment to graduating families who have less than \$500 accrued in their escrow account. LMHA will provide an additional payment to supplement the family's total escrow savings, so that the family receives \$500.

##### Activity 2021-1: Preservation of Low-Income Homeownership Units

LMHA will partner with the Louisville Metro Government's Home Repair Program to assist homeowners in completing repairs required to comply with

## RESOLUTION BACKGROUND STATEMENT

### APPROVAL OF FY 2023 MOVING TO WORK ANNUAL PLAN

#### Item No. 5G

#### I. STATEMENT OF FACTS (cont'd):

HUD's Housing Quality Standards (HQS).

##### Activity 2021-3: Eviction Prevention – COVID-19 Relief

In FY 2022, LMHA disbursed all remaining MTW funds associated with this activity. The activity will be closed out in the FY 2022 MTW Report.

The required Certifications of Compliance are provided as Attachment A to this resolution.

#### II. ALTERNATIVES:

- A. Approve the submission of the proposed FY 2023 Moving to Work Annual Plan.
- B. Partially approve the submission of the proposed FY 2023 Moving to Work Annual Plan.
- C. Do not approve the submission of the proposed FY 2023 Moving to Work Annual Plan.

#### III. RECOMMENDATION:

Staff recommends Alternative "A."

#### IV. JUSTIFICATION:

LMHA, in consultation with residents and the community, has developed the proposed FY 2023 MTW Annual Plan. Approval of the FY 2023 MTW Annual Plan by Board Resolution is necessary to permit LMHA to update, maximize, and improve the MTW activities.

Submitted by: Sarah Galloway  
Special Assistant to the Executive Director  
April 19, 2022

## CERTIFICATIONS OF COMPLIANCE

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

#### Certifications of Compliance with Regulations: Board Resolution to Accompany the Annual Moving to Work Plan

Acting on behalf of the Board of Commissioners of the Moving to Work Public Housing Agency (MTW PHA) listed below, as its Chair or other authorized MTW PHA official if there is no Board of Commissioners, I approve the submission of the Annual Moving to Work Plan for the MTW PHA Plan Year beginning 07/01/2021, hereinafter referred to as "the Plan", of which this document is a part 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 MTW PHA published a notice that a hearing would be held, that the Plan 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 Plan by the Board of Commissioners, and that the MTW PHA conducted a public hearing to discuss the Plan and invited public comment.
- (2) The MTW PHA took into consideration public and resident comments (including those of its Resident Advisory Board or Boards) before approval of the Plan by the Board of Commissioners or Board of Directors in order to incorporate any public comments into the Annual MTW Plan.
- (3) The MTW PHA certifies that the Board of Directors 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 MTW PHA will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
- (5) The Plan 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 Plan contains a certification by the appropriate state or local officials that the Plan is consistent with the applicable Consolidated Plan.
- (7) The MTW PHA 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)). The MTW PHA will affirmatively further fair housing by fulfilling the requirements at 24 CFR 903.7(o) and 24 CFR 903.15, which means that it will take meaningful actions to further the goals identified in its Analysis of Impediments to Fair Housing Choice(AI),Assessment of Fair Housing (AFH), and/or other fair housing planning documents conducted in accordance with the requirements of 24 CFR Part 5, 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), and will address impediments to fair housing choice identified in its AI, AFH, and/or other fair housing planning documents associated with any applicable Consolidated or Annual Action Plan under 24 CFR Part 91.
- (8) The MTW PHA will comply 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.
- (9) In accordance with 24 CFR 5.105(a)(2), HUD's Equal Access Rule, the MTW PHA will not make a determination of eligibility for housing based on sexual orientation, gender identity, or marital status.
- (10) The MTW PHA will comply 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.
- (11) The MTW PHA will comply 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.

- (12) The MTW PHA will comply with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
- (13) The MTW PHA will comply 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.
- (14) The MTW PHA will comply 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.
- (15) The MTW PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- (16) The MTW 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 MTW 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.
- (17) With respect to public housing and applicable local, non-traditional development the MTW 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.
- (18) The MTW PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
- (19) The MTW PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
- (20) The MTW PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 225 (Cost Principles for State, Local and Indian Tribal Governments) and 2 CFR Part 200.
- (21) The MTW PHA must fulfill its responsibilities to comply with and ensure enforcement of Housing Quality Standards, as defined in 24 CFR Part 982 or as approved by HUD, for any Housing Choice Voucher units under administration.
- (22) The MTW PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the Moving to Work Agreement and Statement of Authorizations and included in its Plan.
- (23) All attachments to the Plan have been and will continue to be available at all times and all locations that the Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the MTW PHA in its Plan and will continue to be made available at least at the primary business office of the MTW PHA.

*Louisville Metro Housing Authority*

*KY001*

**MTW PHA NAME**

**MTW PHA NUMBER/HA CODE**

*I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct.*

**WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 31 U.S.C. §3729, 3802).**

*Manfred Reid*

*Chairman of the Board*

**NAME OF AUTHORIZED OFFICIAL**

**TITLE**

**SIGNATURE**

**DATE**



\* *Must be signed by either the Chair or Secretary of the Board of the MTW PHA's legislative body. This certification cannot be signed by an employee unless authorized by the MTW PHA Board to do so. If this document is not signed by the Chair or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.*