

RESOLUTION NO. _____

**APPROVAL OF AMENDMENT TO FY 2024 MOVING TO WORK ANNUAL PLAN
(APPROVAL OF VERSION 3)**

Item No. 5B

WHEREAS, the Louisville Metro Housing Authority (LMHA), as the Housing Authority of Louisville, executed a Moving to Work (MTW) Agreement on August 2, 1999 and an Amended and Restated Agreement on April 15, 2008, which provides LMHA with the authority to investigate and adopt new policies and to flexibly use HUD funding; and

WHEREAS, as required by the Amended and Restated MTW Agreement with HUD, the Fiscal Year 2024 MTW Annual Plan (Version 1) was adopted by the LMHA Board of Commissioners on April 18, 2023 and submitted to HUD on April 24, 2023; and

WHEREAS, HUD provided comments on the FY 2024 MTW Annual Plan (Version 1) and LMHA submitted a revised FY 2024 MTW Annual Plan (Version 2) to HUD on June 23, 2023, which was approved by HUD on June 30, 2023; and

WHEREAS, LMHA now finds it necessary to amend the FY 2024 MTW Annual Plan (Version 2) and submit a new FY 2024 MTW Annual Plan (Version 3); and

WHEREAS, a Board Resolution approving the FY 2024 MTW Annual Plan (Version 3) and required Certifications of Compliance must be included in the submission provided to HUD; and

WHEREAS, the FY 2024 MTW Annual Plan (Version 3) was made available for public comment from November 16, 2023 through December 18, 2023, and a public hearing was held on December 4, 2023.

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NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS that the FY 2024 MTW Annual Plan (Version 3) is approved, and that the Executive Director and Contracting Officer is hereby authorized to execute and submit the Plan to the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized to sign the required Certifications of Compliance.

RESOLUTION BACKGROUND STATEMENT

APPROVAL OF AMENDMENT TO FY 2024 MOVING TO WORK ANNUAL PLAN (APPROVAL OF VERSION 3)

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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 test 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 (HCV) Tenant-Based Rental Assistance 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 for a five-year period. This agreement, which now covers the Louisville Metro Housing Authority (LMHA), was set to expire as of 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. On April 14, 2016, Congress extended the MTW demonstration to 2028. A second Amended and Restated Agreement was modified and approved on March 17, 2020.

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 adopted the FY 2024 MTW Annual Plan (Version 1) on April 18, 2023 and the Plan was submitted to HUD on April 24, 2023.

HUD subsequently provided comments on the submitted FY 2024 MTW Annual Plan (Version 1). In response to these comments, LMHA made changes to the FY 2024 MTW Annual Plan and resubmitted a revised FY 2024 MTW Annual

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I. STATEMENT OF FACTS (cont'd):

Plan (Version 2) to HUD on June 23, 2023. These revisions were approved by HUD on June 30, 2023.

LMHA now finds it necessary to amend the FY 2024 MTW Annual Plan (Version 2) and submit a new FY 2024 MTW Annual Plan (Version 3) in order to make the following changes:

- Indicate LMHA may issue a new Request for Proposals for Project-Based Voucher units in FY 2024. The Housing Authority does not yet have an estimate for the number of Project-Based Voucher units that may be added through this process.
- Add the proposed disposition of the following properties:
 - Four Beecher Terrace lots
 - Southern portion of 1327 W. Muhammad Ali Blvd.
 - 1638 W. Kentucky St., Apt. 15
 - 4011 W. Kentucky St.
- LMHA may open a site-based waitlist at its Newbridge development.
- LMHA may close its one-bedroom Public Housing waitlist in FY 2024.
- Add special referral vouchers for the following partners:
 - Family Scholar House (60 vouchers)
 - Louisville Metro Police Department Victims Services (10 vouchers)
 - My Chosen People (10 vouchers)
 - Peace Education Program (10 vouchers)
 - REBOUND, Inc. (15 vouchers)
 - UP for Women and Children (10 vouchers)
 - Zora's Cradle (10 vouchers)
- LMHA plans to request HUD's permission to verify fulfillment of the Public Housing community service requirement at the time of recertification, even if the family is not on an annual recertification cycle.

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I. STATEMENT OF FACTS (cont'd):

- Permit Project-Based Voucher units to “float” within a development.
- Allow, at LMHA’s sole discretion, pre-qualifying unit inspections of Project-Based Voucher units. The pre-inspection will be conducted within 90 days of the participant occupying the unit.
- The development of local versions of the following HUD forms:
 - Request for Tenancy Approval (HUD-52517)
 - Voucher (HUD-52646)
 - Utility Allowance Schedule (HUD-52667)
- The addition of Public Housing units LMHA’s Board of Commissioners have approved for significant rehabilitation.
- An update to the RAD Significant Amendment to include the resident rights and participation requirements found in HUD Joint Notice H 2019-09/PIH 2019-23.

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

The full text of the FY 2024 MTW Annual Plan (Version 3) was made available for public comment from November 16, 2023 through December 18, 2023. A public hearing to discuss the proposed Plan was held on December 4, 2023.

II. ALTERNATIVES:

- A. Approve the submission of the proposed FY 2024 Moving to Work Annual Plan (Version 3).
- B. Do not approve the submission of the proposed FY 2024 Moving to Work Annual Plan (Version 3).

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III. RECOMMENDATION:

Staff recommends Alternative "A."

IV. JUSTIFICATION:

LMHA, in consultation with residents and the community, has developed the proposed FY 2024 MTW Annual Plan (Version 3). Approval of the FY 2024 MTW Annual Plan (Version 3) by Board Resolution is necessary to permit LMHA to take advantage of the flexibilities afforded through the MTW Program to increase housing options available to residents. All proposed revisions are subject to HUD approval.

Submitted by: Sarah Galloway
Special Assistant to the Executive Director
December 19, 2023

Attachment A

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 Chairman 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 (July 1, 2023), 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, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the MTW PHA's jurisdiction and a description of the manner in which the Plan is consistent with the applicable Consolidated Plan.
- (7) The MTW PHA will affirmatively further fair housing by fulfilling the requirements at 24 CFR 903.7(o) and 24 CFR 903.15(d), which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR 5.150 through 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). Until such time as the MTW PHA is required to submit an AFH, and that AFH has been accepted by HUD, the MTW PHA will address impediments to fair housing choice identified in the Analysis of Impediments to fair housing choice 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.
- (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 identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
- (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 135.

- (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 OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 200.
- (21) 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.
- (22) 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 _____
MTW PHA NAME

KY001 _____
MTW 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).

NAME OF AUTHORIZED OFFICIAL

Secretary of the Board _____
TITLE

SIGNATURE

DATE

*** Must be signed by either the Chairman 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 Chairman or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.**