

RESOLUTION NO. _____

APPROVAL OF FY 2024 MOVING TO WORK ANNUAL PLAN

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; 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; an Amendment to the Amended and Restated Agreement on March 17, 2020, which authorized citations to waive an independent entity inspection; and an Amendment on March 16, 2023 to allow participation in HUD's Rental Assistance Demonstration program; and

WHEREAS, as a part of the Amended and Restated MTW Agreement, an MTW Annual Plan for Fiscal Year (FY) 2024 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 2024 MTW Annual Plan and required Certifications must be included in the submission provided to HUD; and

WHEREAS, the proposed FY 2024 MTW Annual Plan was made available for public comment between March 17, 2023 and April 17, 2023 and a public hearing was held on March 28, 2023 to discuss the Proposed FY 2024 MTW Annual Plan.

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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 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 the Secretary of the Board, Lisa Osanka, is hereby authorized to sign the required Certifications of Compliance.

RESOLUTION BACKGROUND STATEMENT

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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 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 PHAs. In compliance with this requirement, the LMHA Board of Commissioners is set to adopt the FY 2024 MTW Annual Plan on April 18, 2023, and the Plan will be submitted to HUD by April 21, 2023.

The FY 2024 MTW Annual Plan was made available for public comment from March 17, 2023, through April 17, 2023. A public hearing to discuss the proposed Plan was held on March 28, 2023.

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I. STATEMENT OF FACTS (cont'd):

LMHA is proposing one new activity for FY 2024:

Activity 2024-1: Housing Choice Voucher / Project-Based Voucher Program Briefings

HUD requires that all families eligible for the Housing Choice Voucher or Project-Based Voucher Program receive an oral briefing. LMHA seeks to expand the types of briefings allowed to include webcast, video call, and expanded information packet.

LMHA proposes closing out two activities in FY 2024:

Activity 2014-2: HCV Program Rent Increase Limit

As rents continue to escalate rapidly in the Louisville Metro area, LMHA is concerned that artificially capping contract rent increases may force existing residents to move if owners are unwilling to accept the capped rent increase. As a result, the Housing Authority will close out this activity effective July 1st, 2023, or with the implementation of appropriate software, whichever is later. LMHA will perform a rent reasonableness analysis before approving increased rents.

Activity 2021-3: COVID-19 Eviction Prevention Program

To prevent homelessness resulting from evictions during the COVID-19 pandemic, LMHA allocated \$2 million in MTW funds to pay rent arrearages for low-income families who were financially impacted by the COVID-19 pandemic. LMHA worked with Louisville Metro Government's Office of Housing and Community development to disburse funds. All program funds have been expended. 411 households were assisted.

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

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I. STATEMENT OF FACTS (cont'd):

Activity 2005-1: Special Referral MTW Housing Choice Voucher Programs

Additional special referral vouchers will be allocated*:

- Up to 30 vouchers to Catholic Charities to assist a variety of populations (additional vouchers to existing partner);
- Up to 10 vouchers to Zora's Cradle to assist pregnant or post-partum women who are currently or at risk of experiencing homelessness (additional vouchers to existing partner); and
- Up to 37 vouchers to the Louisville Metro Government's Office of Housing and Community Development to serve homeless families and others in crisis or in unstable housing situations (new partnership)

*Provision of vouchers is subject to voucher availability.

Activity 2007-1: Streamlined Recertification Process

- Typically, in the Public Housing Program, public housing authorities are required to inform public housing residents of the option of paying income-based rent or a flat rent on an annual cycle. As most public housing residents have now moved to a biennial or triennial recertification schedule, it is more efficient to coordinate notification in accordance with their new recertification cycle. Therefore, LMHA will provide notice at the time of reexamination.
- HUD has posted a new rule effective January 1, 2024, that would require LMHA to conduct an interim reexamination of families whose income (excluding earned income) increases by 10% or more. LMHA will not make residents complete those reexaminations.

Activity 2020-1: Rent Simplification

LMHA allows self-certification of household assets up to \$50,000. The Housing Authority will adjust this dollar amount annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.

Activity 2020-4: FSS Program Enhancements

LMHA will review the impact of the financial incentives made available through the FSS Program and may modify, add, or remove incentives to support the goals of the program and/or to address financial constraints during the fiscal year.

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I. STATEMENT OF FACTS (cont'd):

Finally, the central Housing Choice Voucher Program waitlist will be closed effective July 1, 2023. Language has been modified slightly since the document was published for public comment to clarify that no new applicants will be added to the Housing Authority's central waitlist for the Mod Rehab Program. The updated language reads as follows:

“On July 1, 2023, LMHA will close the tenant-based waitlist to Applicant Families, with the exception of all Applicant Families receiving a preference, Applicant Families referred by Special Referral Programs, Applicant Families seeking a Special Purpose Voucher, and Applicant Families applying to the SRO Program.”

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

II. ALTERNATIVES:

- A. Approve the submission of the proposed FY 2024 Moving to Work Annual Plan.
- B. Partially approve the submission of the proposed FY 2024 Moving to Work Annual Plan.
- C. Do not approve the submission of the proposed FY 2024 Moving to Work Annual Plan.

III. RECOMMENDATION:

Staff recommends Alternative “A.”

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IV. JUSTIFICATION:

LMHA, in consultation with residents and the community, has developed the proposed FY 2024 MTW Annual Plan. Approval of the FY 2024 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 18, 2023

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 07/01/2023, 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.
- (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).

Lisa Osanka

Secretary 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.*