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Office of the Assistant Secretary for Public and Indian Housing
Public and Indian Housing
US Department of Housing and Urban Development
451 7th Street SW, Room 4176
Washington, DC 20410-5000

Submitted via the Federal eRulemaking Portal at www.regulations.gov

RE: 60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report; OMB Control No. 2577-0083 [Docket No. FR-7076-N-05]

To Whom it May Concern:

The Seattle Housing Authority (SHA) is a public housing authority in Seattle, WA and one of the original 39 Moving to Work agencies. SHA provides housing to over 38,000 low-income individuals in nearly 21,000 affordable housing units (including public housing, Housing Choice Vouchers and other affordable housing opportunities).

This letter is a response to the *60-Day Notice of Proposed Information Collection: Family Report, MTW Family Report, MTW Expansion Family Report* posted in the Federal Register on February 8, 2023. SHA has some general comments on the proposed changes to the Form 50058 as well as specific comments on the various changes proposed in the below sections of the Report.

General Comments

In recent months, the US Department of Housing and Urban Development (HUD), along with other federal agencies, has posted several major Notices and Proposed Rules that will impact the day-to-day operations of Public Housing Authorities (PHAs) and the low-income people we serve. These include the implementation of the National Standards for the Physical Inspection of Real Estate (NSPIRE), the Housing Opportunities Through Modernization Act of 2016 (HOTMA), the Buy America, Build America Act (BABA), Affirmatively Furthering Fair Housing (AFFH) and the Family Self-Sufficiency (FSS) Final Rule, among others. These notices and rules each have vast implications for PHAs, and agencies across the country are feeling overwhelmed with the magnitude of changes coming from HUD. SHA echoes the joint statement from the National Association of Housing and Redevelopment Officials (NAHRO), the Council of Large Public Housing Authorities (CLPHA), the Moving to Work (MTW) Collaborative and the Public Housing Authorities Directors Association (PHADA) to Secretary Marcia Fudge on March 9, 2023 which renews the request that **HUD work closely in partnership with the industry**

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groups and PHAs to implement these new processes and legal requirements cooperatively, so PHAs have the time and resources to effectively and successfully implement each change.

Especially of note for this specific Notice is **the need for HUD to work collaboratively with industry software providers, such as Yardi, and PHAs to ensure the roll-out is as smooth as possible, with minimal technical errors and operational disruption.** In speaking with Yardi and our PHA colleagues, SHA has concerns that the aggressive timeline set by HUD to implement all the necessary technical fixes to softwares by the NSPIRE implementation deadline of July 2023 and the HOTMA deadline of January 2024 is too fast. The deadlines should recognize realistic timelines that consider every step of implementation from software changes to staff training to resident education, and the fact that processes for activities such as annual recertifications and inspections begin several months in advance of their effective dates (which is what HUD is tying implementation timelines to). It is our understanding that the long-awaited Housing Information Portal (HIP), the successor to the Public and Indian Housing Information Center (PIC) has not yet been rolled out to the MTW Expansion Agencies, the beta testers of the new environment. We are further concerned that the number of changes required and the speed at which they must be rolled out to PHAs will necessitate the removal of custom functionalities for PHAs – especially of concern to MTW agencies who have many technical workarounds to implement the local processes developed through MTW flexibilities to standard HUD requirements. As stated in the joint letter from March 9, **we look forward to open and detailed communication with HUD about proposed changes, timelines and opportunities to comment or provide suggestions.**

Additionally, **it would be helpful for HUD to post a “redlined” version of the new 50058s showing all the proposed changes, as well as a guide for what will and will not trigger a fatal error in submission.** Finally, **HUD should issue guidance around “catching up” existing households in a PHAs inventory** with new household information, such as that being proposed in Section 3: Household.

Section-by-section comments

Only sections for which SHA wished to make comments are included below.

Section 2: Action

SHA, like many PHAs, uses the “Historical Adjustment” code to fix otherwise unfixable problems in PIC. For example, a household may be voided by a user error or a system error, and there is no way to reactivate the household in PIC without creating a “New Move-In” record. In order to avoid this, SHA uses the “Historical Adjustment” to reactivate the account and process an Annual Recertification or other mandated record. Removing the Historical Adjustment code will mean that SHA can only reactivate an account by recording a New Move-In for a household in the middle of an uninterrupted tenancy, skewing SHA and HUD’s data and providing an administrative headache. **We request that HUD keep the “Historical Adjustment” field to fix this and other problems in the future.**

HUD is also proposing editing the question about household FSS participation with participation in a Supportive Services program. **We request a definition of “Supportive Services.”**

Section 3: Household

Gender and Sexual Orientation

SHA has participated in a number of formal and information discussions with HUD regarding expanding gender identity options beyond a Male/Female binary, so **we would like to express our gratitude that HUD has taken these conversations seriously and proposing this change.**

Research shows that Lesbian, Gay, Bisexual, Transgender, Queer and other (LGBTQ+) minorities are vastly overrepresented in housing insecurity and homelessness. SHA perceives HUD’s proposal to include questions around gender and sexual orientation as an intended step towards identifying gaps in service, ensuring that the unmet needs of these communities are addressed and making visible the people affected by forms of oppression that keep them disadvantaged and unsafe in our communities. However, it is also important to address the fact that there is a broad campaign in many geographies of America to further disenfranchise and even harm members of the LGBTQ+ community and their families and allies. **When proposing data collection on gender identity and sexual orientation, HUD needs to also guarantee the safety of individuals who identify as members of these groups and the security of the data. What does HUD intend to do with this data? What are safeguards in place to maintain safety and security under future administrations? Has HUD consulted with appropriate communities to ensure their input was considered when posing these questions?**

Finally, because of the aforementioned systems of oppression and erasure, HUD should acknowledge that any data captured in these fields will be inconsistent and, at times, false. To ensure their safety, individuals in subsidized housing may provide information that does not reflect their identify (e.g., children may not be “out” to their parents, identities change and are fluid, individuals may choose to lie to protect themselves and their families). **For both questions proposed in this section, there should be a “Did Not Disclose/Do Not Know” option. Further, HUD should discuss with impacted communities the value that may or may not be gained by collecting this information given the unknown reliability of the data.**

Proposal to change “Sex” to “Gender”: SHA recommends that **this category be renamed as “Gender Identity” and that another option be added, “Other.”** There is also the possibility of confusion for someone to identify as “Transgender” rather than the gender they identify with. **Allowing for more than one selection in this field would resolve this issue.**

Proposal to add a question about “Sexual Orientation”: SHA recommends **that this category should be assessed at the household level, rather than the individual level** (if HUD implements the question at all, e.g., “Does this household include any members who identify as...”). **We strongly recommend that HUD provide a use case**

for this information and outline data security and other procedures, as discussed above, before adding this question to the standard 50058.

Race and Disability Status

Adding additional options to “Race” and “Disability”: **We recommend that all demographic data have a “Did Not Disclose/Do Not Know” option** to avoid inaccurate data and prevent staff from making assumptions about residents.

Section 4: Background at Admission

HUD is proposing to add a new question about if a household has transitioned out of an “institutional setting.” **This term needs to be defined for the public to be able to provide meaningful comments. If HUD’s intention is that this definition includes any form of incarceration it should not. If it’s HUD’s intention that it includes any form of behavioral health, substance abuse or medical setting, it should not. The stigma, judgment and violation of privacy for residents and participants are not warranted.**

Section 17: Family Self-Sufficiency/Welfare to Work Voucher Addendum

HUD is proposing adding questions to the regular and MTW 50058 about households exiting an FSS program. In reviewing the codes available on the MTW Expansion 50058, it appears that the options are either homeownership or a failure to graduate (see screenshot below). SHA does not operate on an assumption that all graduates of an FSS program will become homeowners, and that any other option is a negative or neutral exit.

(3) Account amount disbursed to the family (cumulative as of end of reporting period)	\$	17p(3).
17q. MTW self-sufficiency exit information (MTW self-sufficiency Exit Report only)		
(1) Did family complete contract of participation? (Y or N)		17q(1).
(2) If (1) is Yes, did family move to homeownership? (Y or N)		17q(2).
(3) If (1) is No, primary reason for exit:		
<input type="checkbox"/> Left voluntarily	<input type="checkbox"/> Portability move-out	<input type="checkbox"/> Contract expired but family did not fulfill obligations
<input type="checkbox"/> Asked to leave program	<input type="checkbox"/> Left because essential service was unavailable	
17r. MTW self-sufficiency family services table (for FSS go to 17i)		

SHA currently tracks exit reasons for our JobLink program in a custom software with the following options (see screenshot below). **We recommend HUD expand the exit reasons to include, at the minimum, successful completion that does not result in homeownership.**

--Select--
Did Not Enroll in JobLink by Deadline
Enrolled in JobLink
Ineligible for JobLink Prior to Invite Letter
Successful Completion
JobLink Contract End (w/o successful completion)
Mutual Agreement (SHA+Participant)
SHA Lease or Voucher Termination
HCV Port Out (w/o successful completion)
Failure to cooperate with JobLink staff
FSS Graduate (did not rollover)

Lastly, HUD proposes to “remove reference to “Local, Non-Traditional Assistance”” from Section 17, but there does not appear to currently be a reference to LNT in this section. Please clarify.

Thank you for the opportunity to comment on these proposed changes. If you have further questions or wish to engage with SHA further on this subject, please contact me at the information below.

Sincerely,

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