

MTW Collaborative

455 Massachusetts Avenue, NW, Suite 425
Washington DC 20001-2621



February 13, 2024

Regulations Division
Office of General Counsel
US Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-7000

Re: [Docket No. 88-FR-86923] 60-Day Notice of Proposed Information Collection: Form 50900:
Elements for the Annual Moving to Work Plan and Annual Moving to Work Report

To Whom It May Concern:

The MTW Collaborative represents public housing authorities (“PHAs”) participating in HUD’s Moving to Work Demonstration program (“MTW”). Our membership includes those agencies currently participating in the MTW program and, upon designation, those agencies joining MTW pursuant to the expansion of the MTW program as authorized by Congress.

We welcome the opportunity to comment on HUD’s proposed changes to the 50900 form and you may find our specific comments below.

Removal of the MTW Standard Metrics

The MTW Collaborative supports removing the Standard Metrics from the Form 50900. As noted in previous public comments and in ongoing discussions with HUD, the Standard Metrics proved to be of limited utility as a tool to evaluate MTW performance and outcomes. In lieu of the Standard Metrics, we ask that HUD continue working with MTW agencies and the MTW Collaborative on a mutually agreed upon set of alternative performance measures that allow agencies to communicate meaningful information about MTW agency activities and outcomes to their local communities, HUD, and other external stakeholders.

Added Sections on Narrative Self-Reported Data and Participant Impact Stories

The MTW Collaborative has no objections to the addition of these optional sections to the Form 50900.

Certifications of Compliance

HUD requires the Chair of a PHA’s Board of Commissioners (or other authorizing body) sign the Certifications of Compliance with the submittal of each Annual Plan. The certification is legally binding, and any error could result, per the form, in “criminal and/or civil penalties.” As such, we

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have some concerns that we would like HUD to address, per below. When referencing specific line items, we will reference them by their numerical prefix as listed in the proposed Certifications.

Item 6

HUD proposes adding the following language:

"....including any applicable fair housing plan for the MTW PHA's jurisdiction and a description of the manner in which the MTW PHA Plan is consistent with the applicable Consolidated Plan. 24 CFR §§ 91.2, 91.225, 91.325, and 91.425."

We request that HUD supply guidance to the state and local officials on the requirements for applicable fair housing plans, so that these entities can appropriately provide the requested certification and thereby reduce potential exposure to PHAs.

Item 7

We request that the following sentence be deleted:

"The MTW PHA certifies that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing."

If HUD is unwilling to delete that sentence in its entirety, we would then request it be revised to the following:

"The MTW PHA will not knowingly take any action that the MTW PHA has determined to be materially inconsistent with its obligation to affirmatively further fair housing."

The certification language as currently written unnecessarily exposes agencies to False Claims Act violations, especially given that Affirmative Further Fair Housing ("AFFH") actions vary by community and reasonable individuals could disagree as to whether a particular action is considered "materially inconsistent" with AFFH.

Thank you for the opportunity to submit comments. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Barrett".

Nicole Barrett
Program Director
MTW Collaborative