



December 10, 2018

Moving to Work Office
Office of Public and Indian Housing
Department of Housing and Urban Development
451 Seventh Street SW
Room 4130
Washington DC 20410

Re: [Docket No. FR-7006-N-12]- 60-Day Notice of Proposed Information Collection: Public Housing 5-Year and Annual PHA Plan and MTW Supplement to the PHA Plan

To Whom It Concerns:

The MTW Executive Steering Committee, which represents both current and future MTW agencies would like to thank HUD for the opportunity to comment on the MTW Supplement Notice. In our comments on the most recent Operations Notice (FR-5994-N-04), we expressed our disappointment that the proposed requirements for new MTW agencies are significantly different and more restrictive than the current MTW rules and that HUD has chosen not to follow Congressional intent, which authorized an expansion of the existing program. For reasons articulated below, we would like to strongly reiterate our concerns that these proposed requirements, including the MTW Supplement, would essentially create a new and distinct MTW demonstration program, which was not the intent of Congress.

Below are our specific comments on the MTW Supplement.

Reporting

The requirement for an Annual Agency Plan with an MTW Supplement, a five-year plan and the new waiver process outside of those that are part of the current MTW Agreements and other such requirements that are not part of the MTW Agreements are beyond the parameters of Section 204 Appropriations Act of 1996. As we have stated in prior comments, we believe HUD

should make the current MTW Standard Agreements available to the new MTW Agencies and address specific requirements related to the special authorizations called for in Section 239 of the 2016 Appropriations Act through an Attachment process similar to Attachment D utilized by current MTW Agencies. HUD does not appear to have authority under the MTW Expansion Statute to create a new MTW program but is required to move the 100 new MTW PHAs under the program as called for in Section 239.

It is important that the operating and reporting framework for new MTW agencies sets them up for success, but unfortunately, we believe the limited tools made available by the Operations and MTW Supplement Notices will not make it easier for agencies to respond to their local environments and advance their community priorities. The proposed reporting process is sufficiently difficult and slow and will encourage new MTW agencies to stay within the pre-set safe harbors. This is, at heart, in contradiction with the purpose of the MTW program, which is to support local innovation to achieve local priorities.

Rather than move forward with the MTW Supplement as proposed in the Operations Notice, the Department should work with the existing MTW PHAs to revise the current MTW Annual Plan requirements so that through mutual agreement, the MTW Annual Plan serves as a useful administrative tool for the Department, and also a useful document to PHAs' local stakeholders. Over time, the Annual Plan requirements, particularly the 50900, have devolved the MTW Annual Plan and Report from documents that were useful to both the Department and our communities, into highly technical documents that are virtually indecipherable to our Boards, residents and broader communities. The Notice's proposal to make the MTW Plan a supplement to the standard PHA Plan goes in precisely the wrong direction. The standard annual and 5-year PHA plans, in format and content do not reflect the innovative nature of MTW PHAs and are impenetrable to most local stakeholders.

Waivers

In general, we understand the Department's goal with respect to providing new MTW PHAs a "menu" of waivers and we are pleased to see that the Department acknowledges that some interventions have become common enough amongst the current MTW PHAs that the Department need not approve them on a case-by-case basis. We also appreciate that HUD makes clear that MTW PHAs would still be able to propose waivers outside of those described in Appendix A and the MTW Supplement, although we are concerned that the Department has not yet outlined its process and standards for approving Agency-Specific waivers.

We understand that the Department must find a way to administer an additional 100 MTW PHAs, and that creating a list of activities that do not require prior HUD approval, might make it easier for the Department to review and track activities across the growing MTW portfolio. We also recognize that such a list may be helpful to new MTW PHAs as they think about their initial activities. However, we believe the Department goes beyond its expressed goal of simplification

by proposing significant, unwarranted and unauthorized limitations on an MTW PHA's flexibilities and local decision-making.

Several of the safe harbors listed in Appendix A, and subsequently the MTW Supplement, create requirements and limitations on MTW activities that are not supported in statute and are restrictive beyond what is available for the current 39 existing MTW agencies. Again, we respectfully remind the Department that the 2016 MTW Expansion Statute does not instruct the HUD to fundamentally alter or limit the MTW program, but to make sure that the new cohorts are dispersed by size and geography, and that their activities are studied. New MTW PHAs should be provided the same waiver authorities, in the same format, through the Moving to Work Agreement, as the existing MTW PHAs have.

Thank you for taking our comments into consideration. We look forward to continued discussion with HUD as you work to move forward on this important expansion of the MTW program.

Sincerely,

Andrew J. Lofton
Executive Director, Seattle Housing Authority
On behalf of the MTW Executive Steering Committee