

## INTRODUCTION

### MOVING TO WORK (MTW DEMONSTRATION PROGRAM AS APPLICABLE TO THE ADMINISTRATIVE PLAN

**The MTW flexibilities authorized by HUD for the GRHC are incorporated within this Administrative Plan and can easily be identified in green boxes and identified as MTW policy.**

The Moving to Work (MTW) Demonstration program was originally authorized by Section 204 of the Omnibus Consolidation Rescission and Appropriations Act of 1996 (Public Law 104-134, 110 Stat 1321), dated April 26, 1996. This demonstration program offers public housing authorities the opportunity to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by allowing exemptions from certain public housing rules. Section 239 of the Fiscal year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Statute) authorized HUD to expand the MTW Demonstration Program by designating an additional 100 PHAs over seven years (here after, the “MTW Expansion”). The 2016 MTW Expansion Statute provides that PHAs selected as part of the MTW Expansion must be high performers, meet certain size and Rental Assistance Demonstration (RAD) requirements, and represent geographic diversity across the country. All PHAs selected for the MTW Expansion must follow the selection notice for their applicable cohort. The Grand Rapids Housing Commission (GRHC) was selected to participate in the Moving to Work (MTW) Demonstration program under the Asset Building Cohort in 2022 as one of 129 PHA in the nation out of approximately 3,400. Asset building is defined as activities that encourage the growth of savings accounts and/or aim to build credit for assisted household. GRHC executed its MTW agreement with HUD November 2022 with an effective date of December 1, 2022. A copy of GRHC’s MTW Supplement Plan (as part of the Agency’s Annual Plan) can be found on the GRHC website at [www.grhousing.org](http://www.grhousing.org) or at the main office at 1420 Fuller Avenue, SE, Grand Rapids, MI 49507.

It is important to note when reviewing the Administrative Plan, MTW policies and procedures may conflict with HUD regulatory requirements as permitted by the MTW Supplement and HUD approval. Where no MTW policy or procedure exists, then standard Section 8 Housing Choice Voucher rules and regulations apply.

### ABOUT THE REFERENCES CITED IN THE ADMINISTRATIVE PLAN

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The authority for PHA policies is derived from many sources. Primary among these sources are federal statutes, federal regulations, and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal

regulations. Industry practice may also be used to develop policy as long as it does not conflict with federal requirements or prohibitions.

## **HUD**

HUD provides the primary source of PHA policy through federal regulations, HUD notices, and handbooks. Compliance with federal regulations, current HUD notices, and current HUD handbooks is mandatory.

HUD also provides guidance to PHAs through other means such as HUD-published guidebooks, expired HUD notices, and expired handbooks. Basing PHA policy on HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a “safe harbor.”

Material posted on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations in various aspects of the program.

## **State Law**

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

## **Industry Practice**

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. Industry practice refers to a way of doing things or a policy that has been adopted by a majority of PHAs.

## **RESOURCES CITED IN THE ADMINISTRATIVE PLAN**

The administrative plan cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the administrative plan may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the administrative plan and a list of references and document locations that are referenced in the administrative plan or that may be helpful to you.

### **HUD HCV Guidebook**

In November 2019 HUD began issuing a new version of the HCV Guidebook chapter-by-chapter. Unlike the previous version of the HCV Guidebook in which chapters were numbered, the new version of the guidebook includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the policy cites both versions of the guidebook. Therefore, where the HCV Guidebook is cited in the policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as *HCV GB* with a chapter/page reference (example: HCV GB, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook, the new guidebook

will be cited as *New HCV GB* with a chapter title and page reference (example: *New HCV GB, Payment Standards*, p. 11).

## **Housing Opportunity Through Modernization Act of 2016**

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) is legislation that amended regulations regarding public housing and Section 8 voucher programs in the United States. Signed into law in July 2016, key provisions of HOTMA aim to streamline inspections, simplify income calculations, improve voucher mobility success rates, and allow public housing authorities (PHAs) more flexibility with public housing property management. Overall, the legislation seeks to reduce administrative burdens on PHAs while making the federal housing assistance programs run more efficiently. Through updating existing regulations, increasing subsidy levels, and providing PHAs additional authority, HOTMA strives to expand access to affordable housing opportunities for low-income families in need of assistance. The modernized policies and programs under HOTMA provide housing providers enhanced capabilities to serve vulnerable populations.

On September 29, 2023, HUD issued Notice PIH 2023-27 to implement sections 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). The notice supersedes relevant portions of the guidebook, specifically the chapters on eligibility, denials, and annual reexaminations and interim reexaminations. Where chapters have not been altered by the HOTMA implementation notice, the model policy continues to cite the HCV Guidebook.

Implementation of HOTMA changes have been delayed due to HUD and PHA software not being operational. Per PIH Notice 2023-27, policy changes need to occur to operational documents. All HOTMA changes will become effective once HUD and PHA software are updated to meet HOTMA changes.

## **Moving to Work Operations Notice**

This Moving to Work (MTW) Operations Notice (MTW Operations Notice) establishes requirements for the implementation and continued operation of the expansion of the MTW demonstration program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute). The MTW Operations Notice applies to all public housing agencies (PHAs) designated as MTW pursuant to the 2016 MTW Expansion Statute and to any previously-designated MTW agency that elects to operate under the terms of this notice, collectively referred to in this MTW Operations Notice as an “MTW agency.”

The MTW demonstration program allows PHAs to design and test innovative, locally- designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the Housing Act of 1937, as amended, 42 U.S.C. § 1437 et seq. (1937 Act) more flexibly and, as approved by HUD, with certain exemptions from existing public housing and HCV program requirements.

Through the MTW Amendment to the Annual Contributions Contract(s) (ACC)1 , an MTW agency agrees to comply with the program requirements and terms and conditions detailed in the MTW Operations Notice for the term of the MTW agency’s participation in the MTW

demonstration. Unless otherwise explicitly provided in the MTW Operations Notice, an MTW agency’s MTW program applies to all of the MTW agency’s public housing units (including MTW agency-owned properties and units comprising a part of mixed-income, mixed finance communities), tenant-based HCV assistance, project-based HCV assistance under Section 8(o) of the 1937 Act, and homeownership units developed using Section 8(y) HCV assistance of the 1937 Act.

## Abbreviations

Throughout the model administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the model administrative plan.

| Abbreviation | Document   |
|--------------|--|
| CFR          | Code of Federal Regulations  |
| HCV GB       | Housing Choice Voucher Program Guidebook (7420.10G), April 2001.                 |
| New HCV GB   | Housing Choice Voucher Program Guidebook (7420.10G),<br>Various dates of release |
| HUD-50058 IB | HUD-50058 Instruction Booklet  |
| RHIIP FAQs   | Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions. |
| VG           | PIH Notice 2004-01 Verification Guidance, March 9, 2004.                         |
| HB 4350.3    | Occupancy Requirements of Subsidized Multifamily Housing Programs                |

## Resources and Where to Find Them

The HUD website is <https://www.hud.gov/>.

Guidebooks, handbooks, and other HUD resources may be found at the HUDClips website: [https://www.hud.gov/program\\_offices/administration/hudclips](https://www.hud.gov/program_offices/administration/hudclips).

Following is a list of resources helpful to the PHA or referenced in the model administrative plan, and the online location of each.

| Document and Location   |
|---|
| Code of Federal Regulations<br><a href="https://www.ecfr.gov/">https://www.ecfr.gov/</a>  |
| Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule<br><a href="http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf">http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf</a> |

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| Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data<br><a href="https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF">https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF</a>  |
| Executive Order 11063<br><a href="https://www.archives.gov/federal-register/codification/executive-order/11063.html">https://www.archives.gov/federal-register/codification/executive-order/11063.html</a>  |
| Federal Register<br><a href="https://www.federalregister.gov/">https://www.federalregister.gov/</a>   |
| Housing Choice Voucher Program Guidebook (7420.10G), Updated Chapters<br><a href="https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook">https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook</a>  |
| HOTMA Final Rule<br><a href="https://www.federalregister.gov/documents/2023/02/14/2023-01617/housing-opportunity-through-modernization-act-of-2016-implementation-of-sections-102-103-and-104?utm_campaign=subscription+mailing+list&amp;utm_source=federalregister.gov&amp;utm_medium=email">https://www.federalregister.gov/documents/2023/02/14/2023-01617/housing-opportunity-through-modernization-act-of-2016-implementation-of-sections-102-103-and-104?utm_campaign=subscription+mailing+list&amp;utm_source=federalregister.gov&amp;utm_medium=email</a> |
| Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004<br><a href="https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf">https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf</a>  |
| Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007<br><a href="https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf">https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf</a>   |
| Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice<br><a href="https://www.hud.gov/sites/documents/DOC_8993.PDF">https://www.hud.gov/sites/documents/DOC_8993.PDF</a>  |
| Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System<br><a href="https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF">https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF</a>  |
| VAWA Resources<br><a href="https://www.hud.gov/vawa">https://www.hud.gov/vawa</a>   |
| Move to Work Operations Manual Notice<br><a href="#">Final Ops Notice Part VI for web 8.15.20.docx (hud.gov)</a>  |