



Charlotte Housing Authority

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November 15, 2011

Mr. Ivan M. Pour, MTW Program Director
U.S. Department of Housing and Urban Development
PIH – Office of Public Housing Investments
451 Seventh St., SW, Suite 4130
Washington, DC 20410

Re: Charlotte Housing Authority's 2nd FY12 Annual Plan Amendment and 3rd Amendment to the MTW Agreement

Dear Mr. Pour:

Charlotte Housing Authority is requesting a Third Amendment to our MTW Agreement and a Second Amendment to the FY 2011- 2012 Moving Forward Annual Plan. CHA would like HUD to modify Attachment D, Community-Specific Authorizations to allow CHA flexibility in how it administers and monitors the Replacement Housing Factor (RHF) funds included in the single, authority-wide funding source (MTW funds).

The required documents evidencing the Agency's Board of Commissioners approval are attached. The Charlotte Housing Authority conducted a public hearing on November 15, 2011 after a 30 day public review period. Please note that there were no comments received to consider in the proposed amendments.

Thank you for your continued support and prompt attention on this very important endeavor.

Sincerely,

A handwritten signature in black ink that reads "Heather Franklin". The signature is written in a cursive, flowing style.

Heather Franklin
Interim Chief Financial Officer

cc: Luci Blackburn, HUD Liaison

RESOLUTION

AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE (CHA) TO MAKE A 2ND AMENDMENT TO THE 2011 – 2012 MOVING FORWARD ANNUAL PLAN

WHEREAS, Moving to Work is a demonstration program authorized by Congress and implemented by the U.S. Department of Housing and Urban Development; and

WHEREAS, in establishing MTW, Congress granted broad authority to housing authorities to design programs that would achieve three primary goals:

- Reduce costs and achieve greater cost effectiveness in Federal expenditures;
- Give incentives to families with children where the head of household is working, is seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- Increase housing choices for low-income families.

WHEREAS, a Fiscal Year 2011 – 2012 Moving Forward Annual Plan 2nd amendment was put out for public review/comment on October 14, 2011 that is in line with the MTW agreement for the Housing Authority to design and test innovative, locally-designed housing and self sufficiency strategies for low income families;

WHEREAS, on November 15, 2011 the CHA Board of Commissioners conducted a public hearing on the Housing Authority of the City of Charlotte's 2nd Amendment to the Fiscal Year 2011 – 2012 Moving Forward Annual Plan ; and

The following amendment was made in the Fiscal Year 2011 – 2012 Moving Forward Annual Plan:

1. Appendix C, Sources and Uses, was modified to include the Replacement Housing Factor (RHF) funds in the MTW block grant funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Housing Authority of the City of Charlotte (CHA) to authorize the amendment of the 2011 – 2012 Moving Forward Annual Plan.

RECORDING OFFICER'S CERTIFICATION

I, Shaunté Evans, the duly appointed Interim Secretary of the Housing Authority of the City of Charlotte, North Carolina, do hereby certify that this Resolution was properly adopted at a regular meeting held November 15, 2011.

BY: Shaunté Evans
Shaunté Evans,
Interim Secretary

RESOLUTION

AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE (CHA) TO EXECUTE THE THIRD AMENDMENT OF THE MOVING TO WORK AGREEMENT WITH HUD

WHEREAS, a public hearing will be held on November 15, 2011 to conclude the 30 day public review/comment period of the U.S. Department of Housing and Urban Development (HUD) Third Amendment to the Moving To Work Agreement.

WHEREAS, the amendment to the Moving To Work Agreement was made available for public review/comment on October 14, 2011. The amendment was placed at the following locations: the main branch of the public library; Old City Hall; 1301 South Boulevard, Charlotte, NC 28203; 2600 Youngblood Street, Charlotte, NC 28203; and 135 Scaleybark Road, Charlotte, NC 28209 and all CHA managed sites.


The following change is included in the Third Amendment of the MTW Agreement:

The Third Amendment amends Attachment D, Community-Specific Authorizations. Attachment D describes and authorizes activities which may be implemented by the CHA. Attachment D will be amended to include language authorizing flexibility in the administration and monitoring of Replacement Housing Factor Funds (RHF) for Development. Specifically, the amendment will allow for deposit of RHF Funds in the MTW Block Grant and the receipt of the second increment RHF Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Housing Authority of the City of Charlotte (CHA) to authorize the execution of the Third Amendment of the Moving to Work Agreement with HUD.

RECORDING OFFICER'S CERTIFICATION

I, Shaunté Evans, the duly appointed Interim Secretary of the Housing Authority of the City of Charlotte, North Carolina, do hereby certify that this Resolution was properly adopted at a regular meeting held November 15, 2011.

BY: 
Shaunté Evans
Interim Secretary

AMENDMENT NUMBER 3
TO
AMENDED AND RESTATED MOVING TO WORK AGREEMENT
BETWEEN
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
HOUSING AUTHORITY OF THE CITY OF CHARLOTTE

This Third Amendment to the Moving to Work (“MTW”) Agreement (“Agreement”) is entered into by and between the United States of America through the U.S. Department of Housing and Urban Development (“HUD”) and the Housing Authority of the City of Charlotte (“Agency”) and is effective on the date of execution by HUD. Unless otherwise defined, all capitalized terms used herein shall have the same meanings ascribed to them in the Agreement.

Attachment D is amended as follows:

The following language is added to the Agency’s Attachment D:

The Agency and HUD acknowledge that Section B(1)(a) of Attachment C of this Agreement regarding the ability to combine funds awarded annually pursuant to Section 8(o), 9(d) and 9(e) of the U.S. Housing Act of 1937 (“1937 Act”) into a single, authority-wide funding source (“MTW Funds”) is inclusive of replacement housing factor (“RHF”) funds provided for at 24 CFR 905.10(i) provided the conditions detailed below are met. The Agency may exercise one of the following options in the administration of RHF funds.

1) Option 1: The Agency may administer its RHF awards outside of its MTW Funds. These funds must be used in accordance with RHF requirements and may accumulate under an approved RHF Plan or be subject to the two-year obligation and four year expenditure deadlines. The Agency would be eligible for second increment RHF funds, which would be administered outside of the agency’s MTW Funds.

1) Option 2: The Agency may combine its first increment RHF funds in its MTW Funds and use the funds for any purpose allowable in this Agreement and approved in an MTW Plan, as detailed in Section B(1)(e) of Attachment C of this Agreement. Obligation and expenditure requirements of Section 9(j) of the 1937 Act still apply to these funds. If administering first increment RHF funds in this way, the Agency forgoes eligibility for second increment RHF funds.

2) Option 3: To receive a second increment of RHF funds, the PHA may use the funds for any purpose allowable in this Agreement and approved in an MTW Plan. However, the PHA must spend a portion of its MTW Funds for construction of new public and/or affordable housing. The amount of MTW Funds that must be spent for construction of the new public and/or affordable housing must be equal to or more than the total amount of RHF funds included in the MTW Funds. For example, if a PHA includes a total of \$1 million of RHF Funds in its MTW Funds, the PHA must spend no less than \$1 million of its MTW Funds on the construction of new and/or affordable housing.

i) At the end of the first RHF increment, the PHA must certify to HUD that it has spent funds in an amount equal to the amount of RHA Funds included the MTW Funds (the \$1 million in the above example) to construct new public and/or affordable housing. The certification must be in a form approved by HUD and submitted to the HUD Office of Public Housing Investments, Capital Fund Division.

ii) Second increment RHF funds are subject to the same requirements as first increment funds. If second increment funds are included in the MTW Funds, a portion of the MTW Funds equal to or more than the amount of the second increment RHF funds included in the MTW Funds must be spent for construction of new public and/or affordable housing. At the end of the second RHF increment, the Agency must certify to HUD regarding expenditure of funds for construction of new public and/or affordable housing, as required for first five year RHF funds.

iii) The 2-year obligation and 4-year expenditure deadlines are still applicable to both the first and second increment RHF funds included in the MTW Funds. RHF Funds may accumulate.

iv) The housing authority must show significant progress on construction of the new public and/or affordable units in order to receive the second increment of RHF funds.

v) Leveraging requirements still apply to the second increment RHF funds.

vi) The new units constructed must be consistent with the MTW Statute and Agreement.

vii) Prior to implementing this option, PHAs must submit an RHF plan (or amend an existing RHF Plan) to reflect the intention to deposit RHF funds into the MTW Block Grant, accumulate RHF funds (if applicable), and receive second increment RHF Funds.

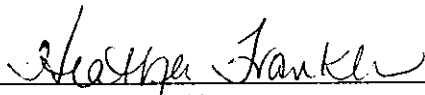
viii) Prior to implementing this option, PHAs must amend their MTW Agreements to allow for deposit of RHF Funds in the MTW Block Grant and the receipt of second increment RHF Funds (a standard HUD Amendment must be used.)

ix) Prior to implementing option, PHAs must include development of the new public and/or affordable units as an activity in their MTW Plans and include RHF funds in Section 7, the Sources and Uses Chart.

Notwithstanding the above, such funds remain Federal funds, and are subject to any and all other Federal requirements outside of the 1937 Act (e.g., including but not limited to Appropriations Acts, competitive HUD notices of funding availability under which the Agency has received an award, state and local laws, Federal statutes other than the 1937 Act, and OMB Circulars and requirements), as modified from time to time.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to be executed by their duly authorized representatives.

HOUSING AUTHORITY OF THE CITY OF CHARLOTTE

BY: 
Heather Franklin
TITLE: Interim Chief Financial Officer
DATE: 11/15/11

UNITED STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

BY: _____

Sandra B. Henriquez

TITLE: Assistant Secretary, Public and Indian Housing

DATE: _____