

November 17, 2014

Secretary Julian Castro
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Civil rights issues raised by the MTW extension negotiations

Dear Secretary Castro,

We are writing to follow up on the November 7, 2014 letter from twenty seven tenant and housing advocacy organizations¹ demanding an inclusive and transparent negotiation process for the extensions of Moving to Work (MTW) agreements for participating Public Housing Agencies (PHAs). As stated in that letter, there is an acute need to “create targeted revisions to the MTW program which clarify performance metrics, and create clear processes for evaluation and oversight.”

We write separately to highlight a major concern with the existing MTW agreements, which should be fixed if the current agreements are to be extended. Specifically, MTW agencies have been given no guidance, goals or benchmarks on the MTW statutory goal of “Increasing Housing Choices.” This omission and the resultant failure to advance this goal has been noted in the 2012 GAO study,² in a 2013 report by the Poverty & Race Research Action Council,³ and in detailed comments HUD has received from the Center on Budget and Policy Priorities.

In keeping with the detailed recommendations provided in those critiques, we urge HUD to use the extension process to 1) clarify the “housing choices” goal for participating agencies, to avoid conflation with the other MTW goals and to align with the “affirmatively furthering fair housing” (AFFH) mandate; and 2) establish methods for evaluation of the demonstration and specific pilot activities in increasing choice, to fulfill the intent of the authorizing legislation.

Specifically, we recommend that HUD ensure that all MTW extensions commit the agencies to develop plans with concrete metrics for increasing opportunities for families to live in communities with low poverty and high-performing schools. MTW agencies are well-suited to engage in the program reforms, landlord outreach, and counseling efforts needed to make these kinds of housing mobility programs work,⁴ and it is consistent with their statutory duty to affirmatively further fair housing. Additionally, we recommend that program evaluations (of all

¹ Available at www.prrac.org/pdf/Letter_Requesting_Transparent_Inclusive_MTW_Extension_Negotiations.pdf.

² “HUD’s Moving to Work Demonstration: Opportunities Exist to Improve Information and Monitoring,” GAO-12-490 (April 2012) at 26, available at <http://gao.gov/assets/600/590226.pdf>.

³ “Increasing Housing Choices: How Can the MTW Program Evolve to Achieve its Statutory Mandate?” (March 2013), available at www.prrac.org/pdf/MTW-HousingOpportunity.pdf

⁴ See *Expanding Choice: Practical Strategies for Building a Successful Housing Mobility Program* (February 2013), available at www.prrac.org/full_text.php?item_id=13718&newsletter_id=0&header=Current%20Projects.

pilot activities, including but not limited to those designated as “increasing choice”) assess the activities’ impact on desegregation and open housing choice as required by AFFH.

We are also concerned about restrictions on the statutory “portability” rights of tenants to move outside of the PHA jurisdiction. We are aware of limitations on portability in at least seven MTW agencies. Such restrictions are inconsistent with the statutory goal of “increasing housing choices,” and the restrictions may also violate the Fair Housing Act. Similarly, HUD should not permit MTW PHAs to restrict the statutory mobility and portability rights of families with project based vouchers. This is especially important in light of HUD’s commitments to implementing housing mobility as part of the Rental Assistance Demonstration and the Choice Neighborhoods Initiative.

Thank you for the opportunity to present our views, and we would be happy to meet with appropriate program staff to discuss our concerns in more detail.

Sincerely,

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