

SNRHA – Implementation of COVID-19 Waivers

Attachment: Summary of Public Housing and HCV Waivers and Alternative Requirements (Refer back to the Notice using the item code for a full description and more detailed information.)

This chart summarizes the waivers authorized under this notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.

| Item | Statutory and regulatory waivers | Summary of alternative requirements | Availability Period Ends | Did PHA implement waiver and alternative requirement? | Date of PHA adoption |
|---|--|---|------------------------------|---|----------------------|
| PH and HCV-1 PHA 5-Year and Annual Plan | <p><u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)</p> <p><u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21</p> | <p>HUD is establishing an alternative requirement for which PHAs with 6/30/20 or 9/30/20 fiscal year-end (FYE) dates must submit their 5-Year and annual plans or civil rights certification for qualified PHAs no later than 10/18/20 (75 days before 1/1/21).</p> <p>HUD is also waiving the requirement that PHAs cannot adopt significant amendments or modifications to the annual plan without receiving Board approval and providing an open meeting for the public. PHAs must still notify public housing residents and HCV families of any impacts that the significant amendment may have on them as soon as practicable. This can be done by placing information on the PHA's website, leaving voice-mail messages for residents and additional follow-up communication. Policy changes related to Section 18, Section 22, or the Rental Assistance Demonstration (RAD) are not included within this waiver.</p> | Varies based on FYE 12/31/20 | Yes | April 3, 2020 |

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| <p>PH and HCV-2 Family income and composition – delayed annual reexaminations</p> | <p><u>Statutory Authority</u> Section 3(a)(1)</p> <p><u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)</p> | <p>HUD will allow PHAs to delay annual reexaminations of HCV and public housing families. However, all annual recertifications due in CY 2020 must be completed by December 31, 2020 and PHAs must comply with the alternative requirement regarding increases in payment standards under HAP contract terms</p> | <p>December 31, 2021</p> | <p>Yes</p> | <p>April 3, 2020</p> |
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| PH and HCV-3 Annual Reexamination Income Verification | <u>Regulatory Authority</u> § 5.233(a)(2) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18 | HUD is waiving the requirement that PHAs must use the income hierarchy described by PIH Notice 2018-18. HUD will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV, if a PHA opts to conduct annual recertifications rather than delaying them. PHAs may consider self-certification as the highest form of income verification to process annual reexaminations. This may occur over the telephone (but must be documented for the written record by PHA staff), through an email or postal mail with a self-certification form by the tenant, or through other electronic communication. Income and family composition examinations and recertifications do not have to be conducted in-person. | 12/31/2021 | Yes | April 3, 2020 |
| PH and HCV-4 Interim reexaminations | <u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18 | HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verifications, including EIV. PHAs may consider self-certification as the highest form of income verification for interim reexaminations. Interim reexaminations are not required to be held in-person. | 12/31/2021 | Yes | April 3, 2020 |

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| PH and HCV-5 EIV System Monitoring | <u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> PIH Notice 2018-18 | Waives the mandatory EIV monitoring requirements – Deceased Tenants, Identity Verification, Immigration, IVT, Multiple Subsidy and New Hires Reports | 12/31/2021 | Yes | April 3, 2020 |
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| PH and HCV-6 FSS Contract of Participation | <u>Regulatory Authority</u> § 984.303(d) | HUD will consider the circumstances surrounding COVID-19 to qualify as “good cause” to extend a family’s contract of participation in the FSS program through July 31, 2020. | July 31, 2020 | Yes | April 3, 2020 |
| PH and HCV-7 Waiting List | <u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34 | HUD is waiving the requirement that PHA’s must give public notice of opening a wait list by publication in a local newspaper and by minority media and other suitable means through July 31, 2020. PHAs may provide public notice of an open waitlist in a voicemail message on its main or general information telephone number and through its website. These messages must meet applicable fair housing requirements. | July 31, 2020 | Yes | April 3, 2020 |
| HQS-1 Initial inspection | <u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C) <u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405 | A PHA may rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit instead of conducting an initial inspection. A PHA may add other requirements or conditions to the owner’s certification. The PHA is required to conduct an HQS inspection on the units as soon as reasonably possible, but no later than October 31, 2020. The waiver may also apply to PHA-owned units. | 12/31/2021 | Yes (Partial) Yes – If property owners and property agents have more than 1 year experience in HAP contract management experience and are deemed in good standing by the Director or Deputy Director of Housing Programs. No – If property management owners and agents have less than one-year HAP contract experience. | April 3, 2020 |

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| <p>HQS-2: PBV Pre-HAP Contract Inspections, PHA acceptance of completed units</p> | <p><u>Statutory Authority:</u> Section 8(o)(8)(A)</p> <p><u>Regulatory Authority:</u> §§ 983.301(b), 983.156(a)(1)</p> | <p>A PHA may rely on the owner’s certification that the owner that has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. A PHA may add other requirements. The PHA must conduct an HQS inspection no later than October 31, 2020 but must do so as soon as reasonably possible. If there’s a requirement under the Agreement to enter into a Housing Assistance Payment (AHAP) contract for newly constructed or rehabilitated projects, the PHA may choose to allow the owner to certify that the PHA requirement has been met. The waiver may also apply to PHA-owned units, if the independent entity is unable to perform the inspection.</p> | <p>12/31/2021</p> | <p>Yes</p> | <p>April 3, 2020</p> |
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| HQS-3 Non-Life Threatening HQS - Initial Unit Approval | <u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017 | <p>A PHA has the option to approve an assisted tenancy for units that fail HQS with non-life-threatening conditions, as long as PHAs withhold housing assistance payments from the owner if the non-life-threatening failing conditions are not corrected within 30 days. A PHA may now provide 60 days to correct non-life-threatening failing conditions. This option is available for both tenant-based, project-based units, and PHA-owned units.</p> | J12/31/2021 | No | N/A |
| HQS-4 Initial HQS - Alternative Inspections | <u>Statutory Authority</u> Section 8(o)(8)(A)(iii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017 | <p>A PHA may allow the occupancy of a unit prior to an initial inspection if the unit has passed an alternative inspection in the past 24 months. The PHA may then make assistance payments retroactive to the beginning of the lease term once the unit meets HQS. The PHA must also inspect the unit within 15 days of the request for tenancy approval.</p> <p>This waiver would allow PHAs to waive the requirement to conduct their own inspections for these units which have undergone alternative inspections. A PHA may begin payments based on the alternative inspection and the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. A PHA may add other requirements.</p> <p>The initial inspection option is available to the PHA for both tenant-based and</p> | July 31, 2020 | <p>Yes (Partial)</p> <p>Yes – If property owners and property agents have more than 2 years experience in HAP contract management experience and are deemed in good standing by the Director or Deputy Director of Housing Programs.</p> <p>No – If property management owners and agents have less than one-year HAP contract experience.</p> | April 3, 2020 |

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| | | project-based units. The waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection. | | | |
| HQS-5 Biennial Inspections | <u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d) | The Department is waiving the requirement that PHAs inspect the unit not less than biennially (certain small, rural PHAs may inspect units triennially). All delayed biennial inspections must be completed as soon as reasonably possible, but no later than October 31, 2020. This waiver may be applied to PHA-owned units if the independent entity is unable to perform the inspection. | July 31, 2020 | No | N/A |

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| HQS-6 Interim Inspections | <p><u>Statutory Authority</u> Section 8(o)(8)(F)</p> <p><u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)</p> | <p>This waiver states that if an HQS reported deficiency is life-threatening, the PHA must notify the owner of the reported life-threatening deficiency and the owner must correct it within 24 hours of the PHA notification or provide documentation that the deficiency does not exist.</p> <p>For non-life-threatening deficiencies, the PHA must notify the owner within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification. The PHA may add other requirements.</p> <p>The PHA is not required to conduct an on-site inspection to verify the repairs have been made, but may rely on alternative verification methods (photos, tenant certification, etc.). This waiver may apply to PHA-owned units where the independent entity is unable to perform the inspection.</p> | July 31, 2020 | Yes | April 3, 2020 |
| HQS-7 PBV Turnover Inspections | <p><u>Regulatory Authority</u> § 983.103(c)</p> | <p>The Department is waiving the regulation that requires a PBV unit inspection before the unit is leased to a new family. The PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The PHA may add other requirements. The waiver may be applied to PHA-owned units if the independent entity is unable to</p> | July 31, 2020 | Yes | April 3, 2020 |

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| | | complete inspections. | | | |
| HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units | <u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b) | The Department is waiving the HQS inspection requirement when substituting or adding a new unit to a PBV HAP contract. Instead, the PHA may rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The PHA may add other conditions. The waiver may also be applied to PHA-owned units. | July 31, 2020 | Yes | April 3, 2020 |

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| HQS-9 HQS QC Inspections | <u>Regulatory Authority</u> § 982.405(b) | The Department is waiving its supervisory quality control inspections until October 31, 2020. | July 31, 2020 | No | N/A |
| HQS-10 HQS Space and Security | <u>Regulatory Authority</u> § 982.401(d) <u>Language from the PIH Notice:</u> <i>- if the PHA wishes to assist a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency ...</i> | The Department is waiving the regulation requiring one bedroom for every two people where the PHA wishes to assist a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency. This waiver does not apply to an initial or new lease. The waiver will be in effect for the duration of the current lease term or one year from the date of this notice, whichever period of time is longer | Remains in effect one year from lease term or date of notice, whichever is longer | Yes | April 3, 2020 |
| HQS-11 Homeownership HQS | <u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a) | The Department is waiving the requirement for an initial HQS inspection before commencing monthly homeownership assistance payments. The family is still required to obtain an independent professional inspector and the PHA is still required to review the independent inspection and has discretion to disapprove the unit because of the contents of the inspection report. | 12/31/2021 | Yes | April 3, 2020 |
| HCV-1 Administrative Plan | <u>Regulatory Authority</u> § 982.54 (a) | The Department is waiving the requirement that a PHA's administrative plan must be formally adopted by a PHA's board. A PHA may revise an administrative plan | 09/30/2021 | Yes | April 3, 2020 |

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| | | without board approval though any revisions must be formerly adopted as practicable following June 30, 2020, but no later than July 31, 2020. | | | |
| HCV-2 PHA Oral Briefing | <u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a) | The Department is waiving the requirement that the PHA must give an oral briefing to families in the HCV and PBV programs. The PHA must instead conduct the briefing by other means such as webcast, video call, ex expanded information packet. The PHA must ensure that the method of communication for the briefing effectively communicates with each family member, including those with vision, hearing, and other communication-related disabilities and those with persons with limited English proficiency. This waiver ends on July 31, 2020. | 12/31/2021 | Yes | April 3, 2020 |

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| HCV-3 Term of Voucher - Extensions of Term | <u>Regulatory Authority</u> § 982.303(b)(1) | The Department is waiving the requirement the voucher term extensions must be in accordance with the PHA administrative plan. The waiver is available until July 31, 2020. | 12/31/2021 | Yes | April 3, 2020 |
| HCV-4 PHA Approval of Assisted Tenancy | <u>Regulatory Authority</u> § 982.305(c) | The Department is waiving the requirement that the HAP contract may not be executed 60 days after the lease term begins. A PHA may now execute a HAP contract after 60 days after the beginning of a lease and make HAP back to the beginning of the lease term. The HAP contract must be executed no later than 120 days from the beginning of the lease term. The period of availability to execute the HAP contract after the 60-day term ends on July 31, 2020. | 12/31/2021 | Yes | April 3, 2020 |
| HCV-5 Absence from unit | <u>Regulatory Authority</u> § 982.312 | The Department is waiving the requirement that a voucher family may not be absent from a unit for a period of more than 180 consecutive calendar days. The PHA has discretion whether to continue the HAP contract in this situation and not terminate due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, or caring for family members). The period of availability to continue making these HAP payments despite the family's absence ends on December 31, 2020. The PHA may not make payments | 12/31/2021 | Yes | April 3, 2020 |

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| | | after this date if the family is absent and the HAP contract will terminate. | | | |
| HCV-6 Automatic Termination of the HAP Contract (ZERO HAP) | <u>Regulatory Authority</u> § 982.455 <i>- In recognition that the COVID-19 emergency is creating economic and employment instability for many families, as well as situations <u>where families may on a temporary basis be adding members</u> whose additional income may result in a \$0 HAP subsidy calculation, HUD is waiving this requirement</i> | The Department is waiving the requirement to terminate a HAP contract 180 days after a housing assistance payment is reduced to \$0. This is in recognition that the COVID-19 emergency may cause the temporary addition of household members which causes the calculation of HAP to reach \$0. As an alternative requirement, the PHA, following a written notice to the owner and family, may extend the period of time following the last payment to the owner that triggers the automatic termination. The extension beyond the 180 days may not extend beyond December 31, 2020. | 12/31/2021 | Yes | April 3, 2020 |

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| HCV-7 Increase in Payment Standard | <u>Regulatory Authority</u> § 982.505(c)(4) | The Department is waiving the requirement that if a payment standard is increased during the term of a HAP contract, the increased payment standard shall not be effective until the family's first regular reexamination. Instead, the increased payment standard may be effective at any time (e.g., interim reexamination, owner rent increase) after the effective date as long as it is not later than then family's first regular reexamination. | 12/31/2021 | Yes | April 3, 2020 |
| HCV-8 Utility Allowance Schedule | <u>Regulatory Authority</u> § 982.517 | The Department is waiving the requirement to review the schedule of utility allowances and revise the allowance if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. PHAs may delay the review and update of utility allowances. Any review must be completed by no later than December 31, 2020. | 12/31/2021 | Yes | N/A |
| HCV-9 Homeownership Counseling | <u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d) | The Department is waiving briefing and counseling sessions to permit families to purchase a home without fulfilling the normally applicable pre-assistance homeownership counseling requirements, though HUD encourages families to continue the sessions that can be accomplished in accordance with social distancing directives. This waiver ends on July 31, 2020. | July 31, 2020 | No | N/A |
| HCV-10 FUP | <u>Statutory Authority</u> Section 8(x)(2) | The Department is waiving the requirement that FUP youth must be not more than 24 years of age (not yet | 12/31/2021 | Yes | April 3, 2020 |

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| | | reached their 25 th birthday) and is replacing it with the requirement that FUP youth be not more than 25 years of age (not yet reached their 26 th birthday). This waiver ends on December 31, 2020. | | | |
| PH-1 Fiscal closeout of Capital Grant Funds | <u>Regulatory Authority</u> § 905.322(b) | Extension of deadlines for ADCC and AMCC | July 31, 2020 | Yes | April 3, 2020 |
| PH-2 Total Development Costs | <u>Regulatory Authority</u> § 905.314(c) | Waives the TDC and HCC limits permitting approval of amounts in excess of published TDC by 25% to 50% on a case by case basis | Applies to development proposals submitted to HUD no later than December 31, 2021 | Yes | April 3, 2020 |

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| PH-3 Cost limitations | <u>Regulatory Authority</u> § 905.314(j) | Allows for the use of force account labor for modernization activities in certain circumstances | December 31, 2020 | Yes | April 3, 2020 |
| PH-4 ACOP | <u>Regulatory Authority</u> § 960.202(c)(1) | Changes to approval process for ACOP | July 31, 2020 | Yes | April 3, 2020 |
| PH-5 CSSR | <u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> § 960.603(a) and 960.603(b) | Temporarily suspends CSSR | March 31, 2021 | Yes | April 3, 2020 |
| PH-6 Energy Audits | <u>Regulatory Authority</u> § 965.302 | Allows for delay in due dates of energy audits | One year beyond 2020 audit deadline | Yes | April 3, 2020 |
| PH-7 Over-income families | Housing Opportunity Through Modernization Act (HOTMA) of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490 Notice: Notice PIH 2019-11 | Changes to timeframes for determination of over-income | December 31, 2020 | Yes | April 3, 2020 |

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| PH-8 Resident Council Elections | <u>Regulatory Authority</u> § 964.130(a)(1) | Provides for delay in resident council elections | July 31, 2020 | Yes | April 3, 2020 |
| PH-9 Utility Allowance | <u>Regulatory Authority</u> § 965.507 | Provides for delay in updating utility allowance schedule | December 31, 2020 | Yes | April 3, 2020 |
| PH-10 Tenant notifications | <u>Regulatory Authority</u> § 966.5 | Advance notice not required except for policies related to tenant charges. | July 31, 2020 | Yes | April 3, 2020 |
| 11a PHAS | <u>Regulatory Authority</u> 24 CFR Part 902 | <ul style="list-style-type: none"> Allows for alternatives related to inspections PHA to retain prior year PHAS score unless requests otherwise | HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21 | N/A | N/A |
| 11b SEMAP | <u>Regulatory Authority</u> 24 CFR Part 985 | <ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise | HUD will carry forward the most recent SEMAP | N/A | N/A |
| 11c Financial reporting | <u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1) | Allows for extensions of financial reporting deadlines | Varies by PHA FYE | Yes | April 3, 2020 |

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| 12a Form HUD 50058 | <u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65 | <ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action | December 31, 2020 | Yes | April 3, 2020 |
| 12b Designated housing plan | <u>Statutory Authority</u> Section 7(e)(1) | <ul style="list-style-type: none"> • Allows for HUD to delay notification about designated housing plan | July 31, 2020 | N/A | N/A |
| 12c Deadline for reporting Operating and Capital Fund expenditures | <u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5) | <ul style="list-style-type: none"> • Provides a one-year extension | One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc | Yes | April 3, 2020 |