

Housing Authority of the County of San Diego
Public Housing (PH) and Section 8 Housing Choice Voucher (HCV) Program

Adopted CARES Act HUD Waivers

Effective Date

4-10-2020

Purpose

The purpose of this notice is to provide information regarding the broad level CARES Act HUD Waivers per PIH Notice 2020-05 and as revised in PIH Notices 2020-13 and 2020-33, as adopted by HACSD. Additional information is included in this notice regarding waivers applicable to the Mainstream and Moderate Rehabilitation (Mod Rehab) programs as detailed in PIH Notices 2020-20 and 2020-22, and included in PIH Notice 2020-33.

BACKGROUND

On March 27, 2020, President Trump signed the CARES Act into law, which provides HUD with broad authority, in the context of the current public health emergency, to waive statutes and regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for the Public Housing and HCV programs.

Pursuant to the authority provided under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136), HUD is waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Public Housing program and Housing Choice Voucher (HCV) program. These waivers provide administrative flexibilities and relief to the Public Housing Agency (PHA) in response to the COVID-19 national emergency. With respect to the Public Housing and HCV programs, use of these waivers is at the discretion of the PHA; however, HUD strongly encourages PHAs to utilize any and all waivers and alternative requirements as necessary to keep public housing and HCV programs operational to the extent practicable.

This notice also provides information on additional actions HUD is taking, including the temporary suspension of the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP).

On July 2, 2020 HUD issued PIH Notice 2020-13 which restates the waivers and alternative requirements established previously in Notice PIH 2020-05, provides additional waivers and alternative requirements, extends the periods of availability for previously established waivers and alternative requirements, and issues technical amendments to several of the previously established waivers and alternative requirements.

On August 26, 2020 HUD issued PIH Notice 2020-20 which provides guidance for waivers and alternative requirements established for the Mod-Rehab program.

On September 8, 2020 HUD issued PIH Notice 2020-22 which provides guidance for waivers applicable to the Mainstream program.

On November 30, 2020 HUD issued PIH Notice 2020-33 which restates the waivers and alternative requirements established previously in PIH Notices 2020-05, 2020-13, 2020-20 and 2020-22, provides additional waivers and alternative requirements, and extends the periods of availability for previously established waivers and alternative requirements.

POLICY

PUBLIC HOUSING AND HOUSING CHOICE VOUCHER (HCV) PROGRAMS

PH and HCV-3 Annual Recertification Income Verification

[24 CFR 5.233(a)(2), PIH Notice 2018-18]

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Waives the requirements to use the prescribed income hierarchy as outlined in PIH Notice 2018-18, including the use of EIV, and will allow the PHA to consider self-certification as the highest form of income verification.

HACSD will utilize self-certification in the following order: 1) Verification submitted with the recertification booklet, 2) Written third-party verification available to the participant, 3) Signed self-certification form by mail, fax or email, 4) Email declaration, and 5) Oral certification and declaration of income received by phone with concurrent documentation by HACSD staff.

Income discrepancies will be resolved in accordance with the HACSD's Program Integrity Policy. [FY 2019-20 Administrative Plan Chapter 12; FY 2020-21 Administrative Plan Chapter 14]

The period of availability to conduct annual reexaminations using these modified verification requirements ends on June 30, 2021 or any amended date as authorized by HUD. This applies to annuals **completed** during this period.

PH and HCV-4 Interim Recertification Income Verification

[24 CFR 5.233(a)(2), 24 CFR 982.516(c)(2), PIH Notice 2018-18]

Waives the requirements to use the prescribed income hierarchy as outlined in PIH Notice 2018-18, including the use of EIV, and will allow the PHA to consider self-certification as the highest form of income verification.

HACSD will utilize self-certification in the following order: 1) Oral certification and declaration of income received by phone with concurrent documentation by HACSD staff, 2) Email declaration, and 3) Signed self-certification form by mail, fax or email. Telephone contact will be attempted before requesting written self-certification.

Income discrepancies will be resolved in accordance with the HACSD's Program Integrity Policy. [FY 2019-20 Administrative Plan Chapter 12; FY 2020-21 Administrative Plan Chapter 14].

The period of availability to conduct interim reexaminations using these modified verification requirements ends on June 30, 2021 or any amended date as authorized by HUD. This applies to interims **completed** during this period.

PH and HCV-5: Enterprise Income Verification (EIV) Monitoring

[24 CFR 5.233(a)(2), PIH Notice 2018-18]

PIH Notice 2018-18 specifies the required monitoring of EIV reports, including the Deceased Tenants Report, the Identity Verification Report, the Immigration Report, the IVT Report, the Multiple Subsidy Report, and the New Hires Report. Recognizing the challenges PHAs are facing with staffing, HUD is waiving the mandatory EIV monitoring requirements.

HACSD is temporarily suspending the monitoring of EIV reports.

The period of availability for waiving EIV monitoring ends on June 30, 2021 or any amended date as authorized by HUD.

PH and HCV-6: Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension

[24 CFR 984.303(d)]

The regulation authorizes a PHA to extend a family's contract of participation for a period not to exceed two years upon a finding of good cause. HUD has determined that the circumstances surrounding COVID-19 qualify as good cause to extend family contracts.

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HACSD will grant extensions upon request.

The period of availability during which the PHA may extend the family's contract using COVID-19 as the good cause ends on June 30, 2021 or any amended date as authorized by HUD.

PUBLIC HOUSING AND HOUSING CHOICE VOUCHER (HCV) PROGRAMS

HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

In order to provide PHAs with the necessary flexibilities to continue to allow families to lease units and to postpone normally required HQS inspections for units under HAP contract, HUD is authorizing the use of and the HACSD has adopted the HQS-related waivers and alternatives listed in this section.

Use of any of these waivers by the PHA does not create any right in any third party (such as the assisted family) to require enforcement of the HQS requirement by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS [24 CFR 982.407].

HQS-1: Initial Inspection Requirements

[24 CFR 982.305(a), 983.305(b), 982.405]

Existing policy requires that 1) the PHA must inspect the unit before any assistance payment is made to determine if the unit meets HQS, 2) the initial inspection must be conducted with certain timeframes after receiving the RFTA, and 3) the PHA may not approve the assisted tenancy or execute a HAP contract unit the unit has been inspected by the PHA and passes HQS.

HUD is waiving these requirements and providing an alternative requirement. 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 in lieu of conducting the initial inspection.

The PHA may choose to conduct an initial inspection regardless of whether the PHA chooses to apply the initial HQS inspection waivers to its HCV program.

HACSD has adopted this waiver and added the modifications outlined in this section.

As of March 23, 2020:

- Initial lease HQS inspections will be conducted on vacant units according to the existing policy.
- Initial lease HQS inspections for tenants leasing-in-place will be conducted with tenant self-acknowledgment and any available supporting evidence.
- Emergency health and safety HQS inspections will continue to be conducted as needed.

As of April 10, 2020:

- Initial lease HQS inspections for tenants leasing-in-place will be conducted by owner self-acknowledgment and available supporting evidence (as applicable).
- Inspections accepted through owner certification must be inspected by an HQS inspector no later than the one-year anniversary of the date of the owner's self-acknowledgement or any amended date as authorized by HUD.

The period of availability to use owner self-certification for an initial inspection ends on June 30, 2021 or any amended date as authorized by HUD.

The period of availability to inspect a unit that was placed under HAP contract based on owner self-certification ends on the one-year anniversary of the date of the owner's self-acknowledgement or any amended date as authorized by HUD.

HQS-2: Project-Based Voucher (PBV) Pre-HAP contract inspections, PHA Acceptance of Completed Units

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[24 CFR 983.301(b), 983.156(a)(1)]

The PHA must inspect each contract unit before execution of the HAP contract and the HAP contract may not commence until the units fully comply with HQS.

HUD is waiving the HQS inspection requirement and establishing an alternative requirement. Instead of conducting the pre-HAP contract HQS inspection, 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.

HACSD will use this waiver as needed during the period of availability.

The period of availability to use owner self-certification for an initial inspection ends on June 30, 2021 or any amended date as authorized by HUD.

The period of availability to inspect a unit that was placed under HAP contract based on owner self-certification ends on one-year anniversary of date of owner's certification or any amended date as authorized by HUD.

HQS-5: HQS Inspection Requirement – Biennial Inspections

[24 CFR 982.405(a), 983.103(d)]

PHAs must inspect the unit not less often than biennially during the term of the HAP contract.

HUD is waiving this requirement and is allowing PHAs to delay biennial inspections for both tenant-based and PBV units.

As of March 23, 2020:

- All annual/biennial HQS inspections are temporarily delayed.
- Emergency health and safety HQS inspections will continue to be conducted as needed.
- Inspections accepted through owner certification and any delayed inspections must be inspected by an HQS inspector no later than October 31, 2020 or any amended date as authorized by HUD.

As of April 10, 2020:

- All annual/biennial HQS inspections are temporarily delayed.
- Inspections accepted through owner certification and any delayed inspections must be inspected by HQS inspector no later than December 31, 2021 or any amended date as authorized by HUD.

The period of availability to suspend annual/biennial inspections ends on June 30, 2021 or any amended date as authorized by HUD. All delayed biennial inspections must be completed as soon as reasonably possible but no later than one year after the date the annual or biennial inspection would have been required absent this waiver, or as otherwise authorized by HUD.

HQS-6: HQS Interim Inspections

[24 CFR 982.405(g), 983.103(e)]

Upon notification by a family or government official that the assisted unit does not comply with HQS, the PHA must inspect the unit within 24 hours of notification that the condition is life-threatening, or 15 days of notification that the condition is non-life threatening. HUD Regulations provide that, in the event of extraordinary circumstances, HUD may waive the 24-hour or the 15-day inspection requirement until such time as the inspection is feasible.

HUD is waiving these requirement and establishing an alternate requirement for both tenant-based and PBV units.

- **Life-threatening:** The PHA must notify the owner of the reported deficiency and the owner must either correct the deficiency within 24 hours or provide documentation that the deficiency does not exist.

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- **Non-Life threatening:** The PHA must notify the owner of the reported deficiency 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 or any approved PHA extension.

HACSD will continue to conduct interim inspections for life-threatening conditions and will utilize alternative requirements as needed.

HACSD may conduct an on-site inspection to verify the repairs have been made. Alternative methods of verification, such as photos or tenant certification, may also be accepted.

The period of availability to waive HQS Interim Inspections will end on June 30, 2021 or any amended date as authorized by HUD.

Other Inspections:

As of 3-27-2020:

- Move out inspections for the Landlord Incentive Program (LIP) damage claims will be conducted once unit has been vacated. Photos are required.

HQS-7: PBV Turnover Unit Inspections

[24 CFR 983.103(c)]

The regulation requires that before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit. HUD is waiving this regulatory requirement and providing as an alternative requirement the PHA may rely on owner certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit to allow a new family to occupy the vacated PBV unit. The PHA must conduct the HQS inspection on the unit as soon as possible but no later than the one-year anniversary of the date of the owner's certification.

- HACSD will continue to conduct PBV turnover unit inspections on vacant units according to the existing policy but may apply the alternative requirement for owner certification as needed.

The period of availability to fill a PBV turnover unit without conducting an HQS inspection will end on June 30, 2021 or any amended date as authorized by HUD.

The period of availability for completing inspections for turnover PBV units that were reoccupied without an HQS inspection under this waiver authority ends on the one-year anniversary of the date of the owner's certification or any amended date as authorized by HUD.

HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units

[24 CFR 983.207(a), 983.207(b)]

The PHA must inspect a proposed addition or substitute unit when amending the HAP contract to add additional contract units or to substitute a different unit for a previously covered contract unit.

HUD is waiving the HQS inspection requirement. In order to substitute or add a new unit to the PBV HAP contract, 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(s) instead of conducting the initial inspection. The PHA must conduct the HQS inspection on the unit as soon as possible but no later than the one-year anniversary of the date of the owner's self-certification.

HACSD will conduct initial inspections on vacant units in accordance to the existing policy but may apply the alternative requirement for owner certification as needed.

The period of availability to accept owner's self-certification for an initial inspection will end on June 30, 2021 or any amended date as authorized by HUD.

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The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self-certification ends on the one-year anniversary of the date of the owner's certification or otherwise authorized by HUD.

HQS-9: HQS Quality Control Inspections

[24 CFR 982.405(b)]

The regulations require PHAs to conduct supervisory quality control inspections of a sampling of units under contract. HUD is waiving this regulatory requirement.

HACSD may conduct quality control inspections during the waiver period.

The period of availability for this waiver ends on June 30, 2021 or any amended date as authorized by HUD.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS-GENERAL

HCV-1: Administrative Plan

[24 CFR 982.54(a)]

The regulation requiring that any revisions of the PHA's administrative plan must be formally adopted by the PHA Board of Commissioners or other PHA officials. HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval. Any informally adopted revisions under this waiver authority must be formally adopted as soon as feasible following revision, but not later than June 30, 2021.

HACSD will post any waiver adoptions on the website and return to the Board for any significant amendments to the administrative plan.

The period of availability for this waiver ends on March 31, 2021 or any date amended as authorized by HUD.

Any provision adopted informally must be adopted formally no later than June 30, 2021.

HCV-2: Information When Family is Selected- PHA Oral Briefing

[24 CFR 982.301(a)(3), 983.252(a)]

The regulation requires when the PHA selects a family to participate in either the HCV or PBV program, the PHA must give the family an oral briefing. HUD is waiving this requirement and as an alternative requirement allowing the PHA to conduct the briefing by other means that meet ADA standards.

HACSD is conducting oral briefings by phone and mailing a briefing packet in advance of the call.

The period of availability for this waiver ends on June 30, 2021 or any amended date as authorized by HUD.

HCV-3: Term of Voucher – Extensions of Term

[24 CFR 982.303(b)(1)]

The regulation provides that, at its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan. HUD is waiving the requirement that the extension(s) must be in accordance with the PHA administrative plan.

HACSD is allowing extensions for an additional 90 days beyond current practice of up to 180 days (90-day initial period and 90-day extension period) upon request. Additional time may be granted as a reasonable accommodation.

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The period of availability for this waiver to be applied to the existing voucher ends on June 30, 2021 or any amended date as authorized by HUD.

HCV-4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed

[24 CFR 982.305(c)]

The PHA may not make any housing assistance payments to the owner until the HAP contract is executed. The PHA must execute the HAP contract before the beginning of the lease term and the HAP contract must be executed no later than 60 days from the beginning of the lease term.

HUD is waiving the regulatory requirement to allow PHAs to execute the HAP contract after the 60-day deadline has passed and make payments back to the beginning of the lease term. The PHA and owner must execute the HAP contract no later than 120 days from the beginning of the lease term. The PHA must not make HAP payment to owner until the HAP contract is executed.

HACSD will apply this waiver as needed when owners are unable to provide a signature within the initial 60-day period from the beginning of the lease term.

The period of availability to execute the HAP contract after the 60-day period from the beginning of the lease term ends on June 30, 2021 or any amended date authorized by HUD.

HCV-5: Absence from Unit

[24 CFR 982.312]

The regulation requires that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HUD is waiving this regulatory requirement to allow the PHA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances, such as hospitalization, extended stays at long-term care facilities, caring for family members, etc.

HACSD will allow extended absences as allowed by this waiver on a case by case basis after evaluating the extenuating circumstances.

The period of availability for the PHA to choose to continue to make HAP payments despite the family's absence of more than 180 consecutive days ends on June 30, 2021 or any amended date as authorized by HUD. The PHA may not make payments beyond this date, and the HAP contract will terminate on that date if the family is still absent from the unit. HUD is waiving this requirement.

The PHA, upon 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 of the HAP contract. The extension period may not extend beyond June 30, 2021.

The HACSD will allow for an additional 60 days beyond the 180-day period.

The period of availability for the extension ends June 30, 2021 or any amended date as authorized by HUD.

HCV-6: Automatic Termination of HAP Contract

[24 CFR 982.455]

When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, PHAs are required to terminate HAP contracts 180 days after the last housing assistance payment to the owner. HUD is waiving this requirement. As an alternative requirement, the PHA, upon 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 of the HAP contract. The extension beyond the normally applicable 180 days is determined by the PHA but may not extend beyond June 30, 2021.

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HACSD will allow extensions as allowed by this waiver on a case by case basis upon receipt of the written notice.

Period of Availability: The period of availability for the extension ends June 30, 2021. The PHA may not extend the HAP contract beyond June 30, 2021.

HCV-8: Utility Allowance Schedule – Required Review and Revision

[24 CFR 982.517]

The regulations require the PHA to review its schedule of utility allowances each year and revise its allowance for a utility category if there has been a rate change of 10 percent or more since the last revision. HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances.

HACSD will apply this waiver as needed.

Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than June 30, 2021.

HCV-10: Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract

[Section 8(x)(2) of the USHA of 1937]

The statute provides that a FUP youth must be not more than 24 years of age to be eligible to be placed under HAP contract.

HUD is waiving this requirement and providing as an alternative requirement that the PHA may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not yet age 26).

HACSD will apply this waiver for lease-up on a case-by-case basis as needed through June 30, 2021 or any amended date as authorized by HUD.

This period of availability ends on June 30, 2021 or any amended date as authorized by HUD.

HCV-12: Family Unification Program: Timeframe for Referral

[42 U.S.C. 1437f(x)(2)]

The statute provides that assistance may be provided on behalf of “otherwise eligible youths who have attained at least 18 years of age and not more than 24 years of age and who have left foster care or will leave foster care within 90 days.” HUD is waiving the statutory limitation and establishing an alternative requirement. Specifically, PHAs may accept referrals from child welfare agencies for youth who will leave foster care within 120 days. This waiver may also be applied to the FYI initiative.

HACSD will apply this waiver as needed through June 30, 2021 or any amended date as authorized by HUD.

Period of Availability: The period of availability ends on June 30, 2021 or any amended date as authorized by HUD.

HCV-14: Mandatory Removal of Unit from PBV HAP Contract

[24 CFR 983.211(a); 983.258]

Under the PBV program, a PHA is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. This situation arises when the family increases its income to such an extent that it no longer requires housing assistance. In recognition that the COVID19 pandemic is creating uncertainty for owners and families, HUD is waiving this requirement. As an alternative requirement, HUD is authorizing a PHA at its discretion to keep such units under contract for a period of time that exceeds 180 days but does

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not extend beyond June 30, 2021. Similarly, with respect to 24 CFR 983.258, HUD is providing that a PHA that adopts the alternative requirement may resume housing assistance payments on behalf of a family residing in such a unit should the family's income change at any point during the period of time covered by the extension.

HACSD will apply this waiver as needed through June 30, 2021 or any amended date as authorized by HUD.

Period of Availability: The period of availability for the extension ends on June 30, 2021.

PUBLIC HOUSING PROGRAM WAIVERS

PH-1: Fiscal Closeout of Capital Grants Funds

[24 CFR 905.322(b)]

The PHA must submit an Actual Development Cost Certificate (ADCC) 12 months from the date of completion or HUD termination of a development activity. The Actual Modernization Cost Certificate (AMCC) must be submitted not later than 12 months from the activity's expenditure deadline. HUD is waiving this requirement and extending the deadlines for an ADCC or AMCC that fell between March 1, 2020 and September 30, 2020 by six months.

HACSD will apply this waiver as needed.

The period of availability applies to ADCC and AMCC forms due between March 1, 2020 and September 30, 2020 or any amended date range as authorized by HUD.

PH-5: Community Service and Self-Sufficiency Requirement (CSSR)

[24 CFR 960.603(a), 960.603(b)]

Regulations require each non-exempt adult resident of public housing must contribute 8 hours per month of community service or participate in an economic self-sufficiency program or a combination of both.

HUD is waiving this requirement and suspending the community service and self-sufficiency requirement until the family's next annual reexamination.

HACSD will apply this waiver on a case-by-case basis as needed.

The period of availability ends on June 30, 2021 or any amended date as authorized by HUD.

PH-9: Review and Revision of the Utility Allowances

[24 CFR 965.507]

Regulations require the PHA to review at least annually the basis on which utility allowances have been established and revise allowances as needed.

HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances.

HACSD will apply this waiver as needed.

Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed by June 30, 2021 or any amended date as authorized by HUD.

PH-10: Tenant Notifications for Changes to Project Rules and Regulations

[24 CFR 966.5]

PHAs are required by this regulation to provide 30-day notice to impacted families for changes to policies, rules and special charges to families. HUD is waiving the requirement to provide such advance notice, except advance notice must be provided for any changes related to tenant charges.

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Although HUD is waiving the advanced notice, PHAs must still provide adequate notification to impacted families within 30 days of making such changes. HUD encourages PHAs to give advance notice to the extent feasible.

HACSD will apply this waiver as needed.

The period of availability ends on June 30, 2021.

PH-12: Public Housing Agency Annual Self-Inspections

[Section 6(f)(3) of the USHA of 1937; 24 CFR 902.20(d)]

The statute requires PHAs which own or operate public housing to make an annual inspection of each public housing project to determine whether units in the project are maintained to applicable standards and remain safe for residents. HUD is waiving the requirement that the PHA must inspect each project during CY 2020. This waiver does not alleviate the PHA of its responsibility to provide safe housing. PHAs are reminded to expeditiously identify, respond to, and address serious conditions that could jeopardize life or property. HUD encourages PHAs that choose not to utilize this waiver, or that wish to conduct inspections on a more limited basis to consider establishing and maintaining methods of performing remote, video-assisted or "virtual" inspections of dwelling units to identify maintenance needs while complying with CDC and local guidelines, especially for those units that may not be inspected this year. PHAs should also consider utilizing electronic means (such as videoconferencing, text messaging and email) of receiving maintenance requests and reports of life-threatening safety concerns directly from residents while minimizing in-person interactions. Additionally, it is recommended that PHAs continue to conduct exterior/site inspections or maintenance evaluations in compliance with social distancing requirements outlined by the CDC. As outlined in Maintenance Guidebook II, Chapter 2, Sections A and B, PHAs are required to establish both a regular and emergency maintenance plan. In separate and forthcoming guidance, HUD will describe an approach for the recommencement of Real Estate Assessment Center inspections. This guidance may also be helpful to PHAs in determining when to resume self-inspections, however, PHAs will be required to complete an inspection of every public housing property during CY 2021.

HACSD will apply this waiver as needed.

Period of Availability: The period of availability ends on December 31, 2020.

PH-13: Over-Income Limit: Termination Requirement

Section 16(a) of the United States Housing Act of 1937 as amended by section 103 of the Housing Opportunity Through Modernization Act Implementation Notice: Housing Opportunity Through Modernization Act of 2016: Final Implementation of Public Housing Income Limit, 83 Fed. Reg. 35,490 (July 26, 2018)

The statute requires that for public housing families whose income has exceeded the over-income limit for the locality (120 percent of the area median income (AMI) or as established by HUD in the Implementation Notice at 83 FR 35490) for two consecutive years, a PHA must terminate the family's tenancy within 6 months of the third income determination or charge the family a monthly rent equal to the greater of: (1) the applicable Fair Market Rent (FMR); or (2) the amount of monthly subsidy for the unit, including amounts from the operating and capital fund (alternative rent).

HOTMA requires HUD to determine the alternative rent options for families that remain in public housing through formal rulemaking. However, HUD has not published a final rule that implements this requirement, and PHAs are therefore not yet able to calculate alternative rents.

HUD is waiving the requirement that a family whose income has exceeded the over-income limit for the locality for two consecutive years be terminated within 6 months of the third income determination.

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As an alternative requirement, a family whose income has exceeded the over-income limit for the locality for two consecutive years will remain public housing households instead of being terminated and will be charged the applicable FMR as the family's monthly rental amount.

PHAs must update the ACOP to reflect changes to their over-income policy in accordance with this waiver.

HACSD will apply this waiver as needed.

Period of Availability: The period of availability ends on June 30, 2021.

PH-14: Annual Choice of Rent

Section 3(a)(2)(A) of the USHA of 1937; 24 CFR § 960.253

The statute requires that once per year, PHAs must give families the option of choosing between a flat rent and an income-based rent. A family may not be offered this choice more than once per year with the exception that a family may switch from a flat rent to an income-based rent because of financial hardship. Thus, under current rules families who switch from a flat rent to an income-based rent because of financial hardship may not switch back to a flat rent prior to their next annual recertification.

HUD is waiving the requirement that a family may not be offered a choice of rent more than once a year. Alternatively, a PHA may give families no more than two opportunities to choose between a flat rent and an income-based rent within the same one-year period.

HACSD will apply this waiver as needed on a case by case basis.

Period of Availability: The period of availability ends on June 30, 2021.

PHAS, SEMAP, AND UNIFORM FINANCIAL REPORTING STANDARDS

11-a: PHAS

[24 CFR Part 902]

Part 902 sets out the indicators by which HUD measures the performance the a PHA. HUD is waiving this inspection requirement and is postponing physical inspections for all PHAs until further notice, except where there is a threat of life or property as reported from other sources. HUD will carry forward the most recent PHAS score on record.

In accordance with this waiver, HACSD will not request a new PHAS score.

HUD will resume issuing new PHAS scores beginning with PHAs with fiscal year end date of June 30, 2021.

11-b: SEMAP

[24 CFR Part 985]

Part 985 sets out the requirements by which Section 8 tenant-based assistance programs are assessed. For PHAS with a fiscal year ending on or before December 31, 2020, HUD will not issue a new SEMAP score unless the PHA requests that a new SEMAP score be issued. HUD will carry forward the most recent SEMAP score on record.

HACSD will evaluate the need to request a new SEMAP score in accordance with this waiver after the end of the fiscal year.

HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of June 30, 2021.

11-b-1: SEMAP Field Office Confirmatory Review

24 CFR § 985.105(d)

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Allows field offices to perform remote SEMAP confirmatory review instead of an on-site confirmatory review before changing any rating from troubled to standard or high performer.

Period of Availability: The period of availability ends on June 30, 2021.

11-b-2: SEMAP Certification Timing

24 CFR § 985.101(a)

Waives the requirement for PHAs to submit an annual SEMAP certification in IMS-PIC within 60 days of FYE during the timeframe HUD is rolling over prior year scores.

HACSD will apply this waiver as needed.

Period of Availability: The period of availability ends on June 30, 2021.

OTHER PROGRAM WAIVERS

Mod Rehab Program Waivers Established in Notice PIH 2020-20 and Extended in this Notice

MR-0: Family Income and Composition: Annual Examination; Income Verification Requirements [24 CFR §5.233(a)(2); Notice PIH 2018-18]

Waives the requirements to use the prescribed income hierarchy as outlined in PIH Notice 2018-18, including the use of EIV, and will allow the PHA to consider self-certification as the highest form of income verification.

HACSD will utilize self-certification in the following order: 1) Verification submitted with the recertification booklet, 2) Written third-party verification available to the participant, 3) Signed self-certification form by mail, fax or email, 4) Email declaration, and 5) Oral certification and declaration of income received by phone with concurrent documentation by HACSD staff.

Income discrepancies will be resolved in accordance with the HACSD's Program Integrity Policy. [FY 2019-20 Administrative Plan Chapter 12; FY 2020-21 Administrative Plan Chapter 14]

The period of availability to conduct annual reexaminations using these modified verification requirements ends on June 30, 2021 or any amended date as authorized by HUD. This applies to annuals **completed** during this period.

MR-3: Family Income and Composition: Interim Examinations

Section 3(a)(1) of the USHA of 1937; 24 CFR §§ 5.233(a)(2), 882.515(b); Notice PIH 2018-18

Waives the requirements to use the prescribed income hierarchy as outlined in PIH Notice 2018-18, including the use of EIV, and will allow the PHA to consider self-certification as the highest form of income verification.

HACSD will utilize self-certification in the following order: 1) Oral certification and declaration of income received by phone with concurrent documentation by HACSD staff, 2) Email declaration, and 3) Signed self-certification form by mail, fax or email. Telephone contact will be attempted before requesting written self-certification.

Income discrepancies will be resolved in accordance with the HACSD's Program Integrity Policy. [FY 2019-20 Administrative Plan Chapter 12; FY 2020-21 Administrative Plan Chapter 14].

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The period of availability to conduct interim reexaminations using these modified verification requirements ends on June 30, 2021 or any amended date as authorized by HUD. This applies to interims **completed** during this period.

MR-4: Enterprise Income Verification Monitoring

24 CFR § 5.233; Notice PIH 2018-18

PIH Notice 2018-18 specifies the required monitoring of EIV reports, including the Deceased Tenants Report, the Identity Verification Report, the Immigration Report, the IVT Report, the Multiple Subsidy Report, and the New Hires Report. Recognizing the challenges PHAs are facing with staffing, HUD is waiving the mandatory EIV monitoring requirements.

HACSD is temporarily suspending the monitoring of EIV reports.

The period of availability for waiving EIV monitoring ends on June 30, 2021 or any amended date as authorized by HUD.

MR-5: PHA Inspection Requirement: Annual Inspections

24 CFR § 882.516(b)

The Mod Rehab Program regulations require that the PHA must inspect or cause to be inspected each dwelling unit under contract at least annually and at such other times as may be necessary to assure that the owner is meeting the obligations to maintain the unit in decent, safe and sanitary condition and to provide the agreed upon utilities and other services. HUD is waiving the annual inspection requirement and is allowing PHAs to delay annual inspections for Mod Rehab units. All delayed annual inspections must be completed as soon as reasonably possible but no later than one year after the date the annual inspection would have been required absent the waiver. Any PHA that applies this waiver to its Mod Rehab program retains the right to conduct an inspection on any assisted unit at any time. The PHA must grant the reasonable accommodation requests of tenants with disabilities related to inspections

Crucially, use of this waiver by the PHA does not relieve owners of their responsibility to maintain the unit in accordance with HQS as required in the HAP contract, nor does it in any way restrict the PHA from taking action to enforce the owner's obligations.

HACSD will apply this waiver as needed.

Period of Availability: The PHA must conduct the delayed annual inspection as soon as reasonably possible but no later than one year after the date the annual inspection would have been required absent the waiver.

MR-6: Adjustment of Utility Allowance

24 CFR § 882.510

The regulations require that the PHA must determine, at least annually, whether an adjustment is required in the Utility Allowance applicable to units assisted under the Mod Rehab program on grounds of changes in utility rates or other change of general applicability to all units in the Mod Rehab program. HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances.

HACSD will apply this waiver as needed.

Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than June 30, 2021.

PHA Reporting Requirements for Mod Rehab on HUD Form 50058.

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Notice PIH 2011-65

PHAs must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058. Notice PIH 2011-65 states HUD will monitor timeliness of reporting and may sanction a PHA for late reporting. In Notice PIH 2020-05, published on April 10, 2020, HUD exercised its authority under the CARES Act to establish waivers and administrative flexibilities to provide relief to PHAs administering the public housing and HCV programs. Through that notice, HUD waived the 60-day deadline and provided that PHAs must submit form HUD-50058 for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

HUD recognizes that PHAs that implement Mod Rehab waivers and alternative requirements under this Notice will also likely submit form HUD-50058 later than 60 calendar days from the effective date of certain actions, particularly related to reexaminations and inspections. Consequently, HUD is similarly waiving the 60-day deadline for the Mod Rehab program and providing that PHAs must submit form HUD-50058 for transactions within 90 days of the effective date of action.

HACSD will apply this waiver as needed.

Period of Availability: The period of availability ends June 30, 2021.

Mainstream Voucher Waivers Established in Notice PIH 2020-22 and Extended in this Notice

MS-1: Initial Lease Term

24 CFR 982.309(a)(2)(ii)

Under the HCV program, voucher participants must enter into an initial lease term with the owner for one year, unless the PHA determines that a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice. To provide a greater range of housing opportunities for Mainstream voucher holders, the PHA may enter initial lease terms of less than one year regardless of whether the shorter lease term is a prevailing market practice. Therefore, both section 8(o)(7)(A) of the 1937 Act (42 U.S.C. 1437f(o)(7)(A)) and 24 CFR 982.309(a)(2)(ii) are waived.

HACSD will apply this waiver as needed.

Period of Availability: The period of availability ends on June 30, 2021.

MS-2: Criminal Background Screening

24 CFR 5.856, 982.553(a)

Regulations require application of the same criminal background screening process to all HCV participants. To assist populations in need of transitioning into long term housing, PHAs may establish, as an alternative requirement, screening requirements for applicants for Mainstream vouchers which are distinct from those in place for its HCV program in general. At a minimum, PHAs must comply with the statutory (and implementing regulatory) requirements to determine if applicants are subject to a lifetime sex offender registration requirement (42 U.S.C. 13663(a) and 24 CFR 5.856) and comply with the mandatory screening and denial requirements outlined in 42 U.S.C. 13661 and 982.553(a).

HACSD will apply this waiver with the minimum screening requirement.

Period of Availability: The period of availability ends on June 30, 2021.

MS-3: Mainstream Age Eligibility to Enter HAP Contract

42 U.S.C. 8013(k)(2)

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The statute provides that the eligible member of a Mainstream household must be non-elderly, defined as at least 18 years of age and under 62 years of age (not yet reached their 62nd birthday) to be eligible to be placed under HAP contract. A Mainstream-eligible individual issued a voucher at 61 years of age may not be able to lease the voucher before their 62nd birthday where PHA operations may have been shut down or severely curtailed, unit searches are not possible due to shelter-in-place orders, or where the movement of people is significantly restricted. As an alternative requirement, the PHA may choose to expand the definition of an eligible non-elderly family member to include those who were issued a voucher prior to turning 62 and were not yet 63 on the effective date of the HAP Contract.

HACSD will apply this waiver as needed using the expanded definition as stated above.

Period of Availability: The period of availability ends on June 30, 2021.

ADMINISTRATIVE RELIEF

PHA Reporting Requirements on HUD Form 50058

[24 CFR 908, 982.158, PIH Notice 2011-65]

PHAs must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b on the form HUD-50058 and is subject to sanctions for late reporting.

HUD is waiving the 60-day deadline and providing that PHAs must submit form HUD-50058 for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action. HUD encourages PHAs to submit within 60 days if they have the capacity to do so.

HUD will issue revised guidance for HUD-50058 reporting. PIH encourages PHAs receiving PIC fatal errors to not resubmit pending this guidance.

HACSD anticipates submitting HUD-50058 within the 60 day deadline, but will apply this flexibility as needed.

The period of availability ends December 31, 2020 or any amended date as authorized by HUD.