

Housing Authority of the County of San Diego  
HOME and HOPWA Programs

COVID-19 Temporary HUD Waiver Policy

**Effective Date:**

May 26, 2020

**Purpose:**

The purpose of this notice is to provide information regarding:

- CARES Act HUD Waivers for HOME; and
- CARES Act HUD Waivers for HOPWA.

**Background**

On 3-31-2020, HUD issued a memorandum providing regulatory waivers of certain HOPWA and other Community Planning and Development (CPD) program requirements to prevent the spread of COVID-19 and provide additional supports to eligible individuals and families who are economically impacted by COVID-19.

On 4-10-2020, HUD issued a memorandum providing regulatory waivers to certain HOME program requirements to prevent the spread of COVID-19 and provide additional supports to eligible individuals and families who are economically impacted by the coronavirus COVID-19.

In accordance with 24 CFR 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the ESG, CoC, and HOPWA Programs and consolidated planning requirements for all CPD formula programs.

**HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)**

Pursuant to the authority provided in 24 CFR 5.110, HUD waives and the HACSD is adopting the waivers of the HOME regulatory requirements specified below.

**HOME Source Documentation for Income**

24 CFR 92.203(a)(1)

These sections of the HOME regulations require initial income determinations for HOME beneficiaries by examining source documents covering the most recent two months.

This waiver permits HACSD to use self-certification of income in lieu of source documents to determine eligibility for HOME assistance of persons requiring emergency assistance related to COVID-19. Many families affected by actions taken to reduce the spread of COVID-19 will not have documentation that accurately reflects current income and will not be able to qualify for HOME assistance if the requirement remains effective.

This waiver applies to:

1. Individuals and families who have lost employment or income either permanently or temporarily due to COVID-19 and are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program, and

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2. Homeless individuals and families who are applying for admission to a HOME rental unit or a HOME tenant-based rental assistance program.

Self-Certification must consider all income, including unemployment and emergency benefits the applicant will receive excluding emergency tax relief payments.

Onsite rent and income reviews must be conducted within 90 days from the end of the waiver relief period. Income certifications must be included in each project file.

As of 4/30/2020 HACSD will adopt this waiver using verification methods in the following order: 1) Verification submitted with initial intake, 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.

This waiver remains in effect through December 31, 2020.

**Annual Inspection of Units Occupied by Recipients of HOME Tenant-Based Rental Assistance (TBRA).** [24 CFR 92.504(d)(1)(iii), 24 CFR 92.209(i)]

These provisions require PJs to annually inspect each unit occupied by a recipient of HOME TBRA.

Delaying this requirement will protect the health of both inspectors and TBRA tenants by observing physical distancing recommendations to limit the spread of COVID-19.

The waiver is applicable to annual HQS inspections required to occur from the date of the memorandum (April 10, 2020) through December 31, 2020.

HACSD must inspect units that would have been subject to HQS inspections during the waiver period within 120 days of the expiration of the waiver.

As of 4/30/2020 HACSD is adopting this waiver and following its interim HQS policy for HCV to delay scheduled annual inspections and will continue to address tenant-reported health and safety issues during the waiver period according to the Interim HQS Inspection Policy.

In order to meet the requirement to conduct all physical inspections for units affected by this waiver, HACSD will begin to schedule inspections that were delayed or conducted using alternative requirements as early as 7-1-2020. Inspectors will use a contactless inspection process that will include health screening, personal protective equipment, sanitizing and social distancing.

**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**

Pursuant to the authority provided in 24 CFR 5.110, the Secretary waives and the HACSD is adopting the waivers of the HOPWA regulatory requirements specified below.

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**HOPWA – Self-Certification of Income and Credible Information on HIV Status**

[24 CFR 574.530, Recordkeeping]

Source documentation for income and HIV status determinations must be maintained detailing the eligibility determination of a family to receive HOPWA assistance.

This waiver will permit HOPWA grantees and project sponsors to rely upon a family member's self-certification of income and credible information on his or her HIV status (such as knowledge of the individual's HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance of families and grantees affected by COVID-19.

This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within three months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

As of 4/16/2020 HACSD is adopting this waiver allowing self-certification of income using verification methods in the following order: 1) Verification submitted with initial intake, 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.

As of 4/16/2020 HACSD is adopting this waiver allowing written certification of HIV status in lieu of a source document for new HOPWA selections as needed.

**HOPWA – FMR Rent Standard**

[24 CFR 574.320(a)(2)]

Rent Standard for Tenant-Based Rental Assistance (TBRA)

Grantees must establish rent standards for their tenant-based rental assistance programs based on FMR (Fair Market Rent) or the HUD approved community-wide exception rent for unit size. Generally, the TBRA payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.

This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).

This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families who have been affected by COVID-19, and to provide assistance to families who must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).

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Such rent standards may be used for up to one year beginning on the date of this memorandum.

As of 4/16/2020 HACSD is adopting this waiver for use on an as needed basis.

**HOPWA – Property Standards for TBRA**

[24 CFR 574.310(b), HQS]

Property Standards for Tenant-Based Rental Assistance (TBRA)

This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section.

This waiver is required to enable grantees and project sponsors to quickly meet the critical housing needs of the many eligible families affected by COVID-19 while also minimizing the spread of the coronavirus.

This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the following criteria:

1. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
2. The recipient or subrecipient has written policies to physically reinspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

As of 4/16/2020 HACSD is adopting this waiver and following its interim HQS policy for HCV as follows:

- Suspend/delay annual inspections;
- Conduct initial inspections for vacant units according to existing policy; and
- Conduct initial inspections for occupied units for households leasing in place using visual technology.

Inspections delayed or using alternative inspection methods will be re-inspected no later than 4/30/2021 or any amended date as authorized by HUD.

In order to meet the requirement to conduct all physical inspections for units affected by this waiver, HACSD will begin to schedule inspections that were delayed or conducted using alternative requirements as early as 7-1-2020. Inspectors will use a contactless inspection process that will include health screening, personal protective equipment, sanitizing and social distancing.