

HUD Notice PIH 2020-05 COVID19 Waivers

Cecil County Housing Agency Adoption

The following is a summary of waivers adopted on Monday April 13, 2020. Waivers will be implemented within the guidelines established by HUD in the Notice, may be subject to termination at the discretion of CCHA, and may be subject to case-by-case decisions as needed. CCHA intends to return to pre-waiver policies as soon as it is practical and safe to do so as determined by local conditions.

Family Income and Composition; Annual Examination – Income Verification requirements

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.

Family Income and Composition; Interim Examinations

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.

Enterprise Income Verification (EIV) Monitoring

HUD is waiving mandatory EIV monitoring requirements found in PIH Notice 2018-18 through July 31, 2020.

Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension

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.

Housing Quality Standards (HQS) Inspections

Housing Agencies that delay inspections under any of these waivers must inspect the units as soon as reasonably possible, when it is safe to do so. Housing agencies retain the right to conduct an inspection and the use of the waivers does not relieve owners of their responsibility to maintain the unit in accordance with HQS.

Initial Inspection Requirements

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.

Interim Inspections

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. 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. 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.

HQS Quality Control Inspections

The Department is waiving its supervisory quality control inspections until October 31, 2020.

Administrative Plan

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 without board approval though any revisions must be formally adopted as practicable following June 30, 2020, but no later than July 31, 2020.

Information When Family Is Selected – PHA Oral Briefing

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, or 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.

Term of Voucher – Extensions of Term

The Department is waiving the requirement the voucher term extensions must be in accordance with the PHA administrative plan.

Absence from Unit

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 after this date if the family is absent and the HAP contract will terminate.

Automatic Termination of HAP Contract

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.

Utility Allowance Schedule – Required Review and Revision

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.