
HACDB WAIVERS AND ALTERNATIVE REQUIREMENTS

ISSUED APRIL 10, 2020

PIH NOTICE 2020-05



WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS

PH and HCV-1: PHA 5-Year and Annual Plan Submission Dates, Significant Amendment

Waiver and Alternate requirements

The HACDB will apply the waiver option to submission of the HACDB 5 Year and Annual Plan. The revised due date is 10/18/20, which represents 75 days before the HUD extension date of 1/1/21. HACDB will post notices regarding the extension of the plan submission as a public notice and as website posting. Additionally, to the extent that COVID-19 is in a manageable stage, we will hold a RAB meeting to provide updates to the RAB board, either in person or via teleconferencing.

PH and HCV-2: Family Income and Composition: Delayed Annual Examinations

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will delay annual reexaminations of HCV and public housing to the extent necessary. We will utilize mail, teleconferencing or email to complete as many recertifications as possible on time. Staff will annotate the physical file and make notes in Yardi, in the event that we are unable to meet the applicant/tenant normal recertification due date. All recertifications due in CY 2020 will be completed by December 31, 2020. Notices for recertification will include information regarding the use of HUD waiver and extension due to COVID-19. Changes in payment standards for HCV will be incorporated into the participant action in accordance with HCV-7 of the notice PIH 2020-05. This waiver is expected to be in place until December 31, 2020 on an as needed basis.

PH and HCV-3: Family Income and Composition: Annual Examination - Income Verification requirements

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will forgo third-party income verification requirements for annual reexaminations and will accept a self-certification from the family. The self-certification may be mailed, emailed, received via platforms such as Adobe or other electronic communication and may be received via telephone. In the event that the report is received via telephone, HACDB staff will document the physical file and make notes in Yardi including the date, time and content of the tenant/participant report and subsequent actions taken as a result of the report.

The HACDB will to the greatest extent possible avoid physical contact, or face to face meeting with participants/tenants during the waiver period, which extends through July 31, 2020.

The HACDB will subsequently pull EIV reports to determine if the EIV Income Validation Tool is consistent with the self-certification, once the tool has been updated to reflect activity in the quarter ending July 31, 2020. The HACDB will take enforcement action in accordance with our policies and procedures.

The HACDB will prepare a self-certification form which will be available to the public on our website. The form may also be sent to participants/tenants electronically. Information regarding the HUD waiver and penalties for providing inaccurate information will be stated on the form. A statement regarding reasonable accommodations will also be provided on the form.

Per HUD guidance income related to federal unemployment of \$600 is not countable. The stimulus funds that families may have received are not countable income and will not be required as an inclusion in income in the annual recertification report. The HACDB will post this information on its website and will include it in all communication going to participants/tenants through July 31, 2020.

During the waiver period the HACDB will not require participants/tenants to report changes in countable income unless the change represents an increase in income that is expected to be sustained for more than 30 days and is an increase of \$500 or more per month. As a result this income will not be considered as a part of the recertification as unreported income.

PH and HCV-4: Family Income and Composition: Interim Examinations

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will forgo third-party income verification requirements for annual reexaminations and will accept a self-certification from the family. The self-certification may be mailed, emailed, received via platforms such as Adobe or other electronic communication and may be received via telephone. In the event that the report is received via telephone, HACDB staff will document the physical file and make notes in Yardi including the date, time and content of the tenant/participant report and subsequent actions taken as a result of the report.

The HACDB will to the greatest extent possible avoid physical contact, or face to face meeting with participants/tenants during the waiver period, which extends through July 31, 2020.

The HACDB will subsequently pull EIV reports to determine if the EIV Income Validation Tool is consistent with the self-certification, once the tool has been updated to reflect activity in the quarter ending July 31, 2020. The HACDB will take enforcement action in accordance with our policies and procedures.

The HACDB will prepare a self-certification form which will be available to the public on our website. The form may also be sent to participants/tenants electronically. Information regarding the HUD waiver and penalties for provide inaccurate information will be stated on the form. A statement regarding reasonable accommodations will also be provided on the form.

Per HUD guidance income related to federal unemployment of \$600 is not countable. The stimulus funds that families may have received are not countable income and will not be required as an interim report. The HACDB will post this information on its website and will include it in all communication going to participants/tenants through July 31, 2020.

During the waiver period the HACDB will not require participants/tenants to report changes in countable income unless the change represents an increase in income that is expected to be sustained for more than 30 days and is an increase of \$500 or more per month.

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

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will make every effort to comply with EIV report requirements. However, due to unknown and unanticipated impacts to the HCV and PH programs, we will elect to put this waiver into place. Monitoring of the Deceased Tenants Report, the Identity Verification Report, the Immigration Report, the IVT Report, the Multiple Subsidy Report and the New Hires Report will be attempted on a monthly basis. Delays in the review of this information will be addressed at the earliest possible date. The opportunity to delay review of EIV reports will be in place through July 31, 2020. The HACDB will adjust participant/tenant accounts in the event information received during EIV reviews warrant such adjustments. Overpayment of HAP as a result of deceased tenants will commence as soon as administratively possible.

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

WAIVER AND ALTERNATE REQUIREMENTS

HUD has made a determination that the circumstances surrounding COVID-19 qualify as “good cause” to extend family contracts, and FSS programs may consider this expanded definition of “good cause” as they make their determinations on each family’s eligibility for

an extension. HACDB will consider participant need for an extension of the HCV and PH FSS contract of participation, if the family reports a need to extend the contract as a result of COVID-19 related matters. The waiver period ends on December 31, 2020.

PH and HCV-7: Waiting List: Opening and Closing: Public Notice

WAIVER AND ALTERNATE REQUIREMENTS

In the event that HACDB has a need to open any program waitlist before July 31, 2020, it will rely on the waiver options and will forgo public notice by publication in a local newspaper. HACDB will comply with applicable fair housing and other civil rights requirements in providing public notice under this alternative requirement. We will post public notices at all public housing communities, the HACDB Central Office and the HACDB website. The main office number will include a recording directing applicants to the website. All HACDB applications are taken electronically, except in case of a request for a reasonable accommodation. The website consists of a mechanism for translation of all information into various languages in support of LEP.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

WAIVER AND ALTERNATE REQUIREMENTS

Conducting physical inspections of units in many communities during this national emergency poses its own health risks for families, participating owners, and HACDB personnel, and may run counter to public health orders, directives, or recommendations such as shelter-in-place or other social distancing practices designed to contain and reduce exposure to COVID-19.

HACDB will inspect the units as soon as reasonably possible when it is again safe to do so, but must complete all delayed unit inspections no later than 10/31/2020. Any future extension by HUD will also be considered to be incorporated into the waiver notice and HACDB approval, unless otherwise mandated by HUD. HACDB may choose to conduct or have its third party vendor conduct an initial inspection on a unit a family wishes to lease if such an inspection is determined to be warranted by the HACDB, regardless of whether the HACDB chooses to apply the initial HQS inspection waivers to its HCV program. Use of any of this waiver by the HACDB 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 HACDB from taking action to enforce the owner's obligations. Furthermore, use of any of this waiver by the HACDB does not create any right in any third party (such as with the assisted family) to require enforcement of the HQS requirements by HUD or the HACDB, or to assert any claim against HUD or the HACDB, for damages, injunction or other relief, for alleged failure to enforce the HQS.

HQS-1: Initial Inspection Requirements

WAIVER AND ALTERNATE REQUIREMENTS

The HACDB in order to place the unit under HAP contract and commence making payments, the HACDB to the greatest extent possible will conduct a normal HQS initial inspection via its contracted inspection vendor, if the unit is vacant. In the event that the unit is not vacant or the third party vendor is unable due to reasons associated with the COVID-19 virus, the HACDB may permit the use of an owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question instead of conducting an initial inspection. HACDB will further contact the participant and document in the file and in the Yardi system that the participant has viewed the unit and is not aware of any life threatening conditions. In cases where a self-certification was the basis for approval of a HAP contract the HACDB will conduct an HQS inspection on the unit as soon as reasonably possible but no later than October 31, 2020. Owners will be notified via electronic communication of this

alternative process when the HACDB receives a RFTA.

HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections. PHA Acceptance of Completed Units

HACDB does not have project based vouchers and will not apply this waive option

HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option

WAIVER AND ALTERNATE REQUIREMENTS

The HACDB will on a case by case basis to choose to approve an assisted tenancy, execute the HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of NLT conditions. The HACDB will accept a work order from the owners system of record, receipts for repairs associated with the HQS failed items, from a third party vendor, a certification by the owner that the necessary repairs were made, with a photograph of the repaired item as evidence of correction (where possible) in this hierarchy. All repairs must be complete within 30 days of the effective date of the HAP contract or the HAP payment will be abated and reinstated only upon satisfactory evidence of the correction of the HQS violation. HCV staff will also contact the resident to obtain a statement that the work has in fact been completed. Staff will note finding in the Yardi system of record and correct the inspection record. This waiver will be applicable through July 31, 2020 with the maximum extension to an identified unit not exceeding 30 days.

HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option

HACDB WILL NOT IMPLEMENT THIS WAIVER

HQS-5: HQS Inspection Requirement – Biennial Inspections

HACDB WILL NOT IMPLEMENT THIS WAIVER

HQS-6: HQS Interim Inspections

WAIVER AND ALTERNATE REQUIREMENTS

If the HACDB receives reported deficiencies is life-threatening, the HACDB must notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the HACDB notification or provide documentation. The HACDB will accept a work order from the owners system of record, receipts for repairs associated with the HQS failed items, from a third party vendor, a certification by the owner that the necessary repairs were made, with a photograph of the

repaired item as evidence of correction (where possible) in this hierarchy (e.g., text or email a photo to the HACDB) or other evidence that the reported deficiency does not exist.

In the case of a reported non-life-threatening deficiency, the HACDB 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 HACDB notification or any approved HACDB extension, but no later than July 31, 2020. The HACDB will accept a work order from the owners system of record, receipts for repairs associated with the HQS failed items, from a third party vendor, a certification by the owner that the necessary repairs were made, with a photograph of the repaired item as evidence of correction (where possible) in this hierarchy (e.g., text or email a photo to the HACDB) or other evidence that the reported deficiency does not exist.

The waiver will be in affect through July 31, 2020. Any outstanding HQS violations not cured by the waiver end date will result in an inspection with reasonable notice to the owner and participant. HACDB will notify owners and participants of any determination regarding an HQS waiver in writing, email or electronic communication.

HQS-7: PBV Turnover Unit Inspections

HACDB WILL NOT IMPLEMENT THIS WAIVER. HACDB does not administer a PBV program

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

HACDB WILL NOT IMPLEMENT THIS WAIVER. HACDB does not administer a PBV program

HQS-9: HQS Quality Control Inspections

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will delay the requirements for HQS Quality Control Inspections in accordance with the HUD waiver through October 31, 2020. HACDB will increase the percentage of units for a QC sample for the period beginning November 1, 2020-June 30, 2021.

HQS-10: Housing quality standards: Space and Security

WAIVER AND ALTERNATE REQUIREMENTS

The HACDB will support a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency, and the additional family members would result in the unit not meeting the space and security standards. The

participant must not enter into a new lease for the unit that does not comply with the space and security standards. HACDB will continue to assist the household in the current lease term or through April 2021, whichever is longer.

HACDB will notify the owner and the participation writing or via electronic communication in the event of the approval to add a household member under these circumstances.

HQS-11: Homeownership Option – Initial HQS Inspection

HACDB WILL NOT IMPLEMENT THIS WAIVER. We do not anticipate initial homeownership inspections prior to July 31, 2020.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL

HCV-1: Administrative plan

WAIVER AND ALTERNATE REQUIREMENTS

The regulation requires that any revisions of the HACDB's administrative plan must be formally adopted by the HACDB Board of Commissioners or other authorized HACDB officials. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving the requirement to allow the HACDB administrative plan to be revised on a temporary basis without Board approval. As an alternative requirement any informally adopted revisions under this waiver authority must be formally adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

HACDB will prepare a resolution outlining the waiver and alternative requirements as soon as reasonably possibly but no later than July 31, 2020.

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

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will implement this waiver. When HACDB selects a family to participate in either the HCV or PBV program, the HACDB will use an alternative requirement to conduct the briefings by other means such as a webcast, video call, or expanded information packet. Section 504 and the ADA require HACDB to ensure effective communication with applicants, participants and members of the public in all communications and notices. The HACDB will ensure that the method of communication for the briefing effectively communicates with, and allows for equal participation of, each family member, including those with vision, hearing, and other communication-related disabilities, and ensures meaningful access for persons with limited English proficiency. This alternative briefing process will be in affect through July 31, 2020.

HCV-3: Term of Voucher – Extensions of Term

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will implement this waiver. We will automatically grant a family one or more extensions of vouchers currently issued or issued during the applicable waiver period through July 31, 2020. HUD does not require revision to the Admin Plan to permit this flexibility. Staff will annotate the physical file and the Yardi system of record to indicate the COVID-19 as the reason for the extension(s).

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

WAIVER AND ALTERNATE REQUIREMENTS

The HACDB will implement this waiver. HACDB will accept an executed HAP contract after the 60-day deadline has passed and make housing assistance payments back to the beginning of the lease term. However, the HACDB and owner must execute the HAP contract no later than 120 days from the beginning of the lease term, through July 31, 2020. Staff will annotate the physical file as well as the Yardi file. A notice will be sent to the owner no later than 90 days past the date of the HAP contract to inform them that failure to execute within 30 days will result in termination of the contract. Staff will manage a tracking log to ensure that this is properly managed.

HCV-5: Absence from Unit

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will implement this waiver. HACDB at its discretion may continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members). Staff will attempt to obtain a written request (including email or text) from the participant where feasible. If the participant is not able to provide a written request the staff will document the details of a conversation with the participant in the physical file and the Yardi file. No request will be denied without supervisory review. This alternative practice is in affect through December 31, 2020.

HCV-6 Automatic Termination of HAP contract

WAIVER AND ALTERNATE REQUIREMENTS

HACDB will implement this waiver. Households, whose income equal or exceed the HAP contract rent, will be entitled to an extension through December 31, 2020. HACDB will notify the owner and participant of the extension of the household's right to retain the housing choice voucher even if the HAP payment is zero. Staff will annotate the physical file and the Yardi system of record.

HCV-7 Increase in payment standard under HAP contract term

HACDB WILL NOT IMPLEMENT THIS WAIVER. Changes in payment standard would occur after the published FMR by HUD, generally in October. Analysis and board resolutions would be prepared in November with an effective date of January 2021. The waiver opportunity expires December 2020.

HCV-8 Utility allowance schedule-required review and revision

HACDB will implement this waiver if needed. All review and update of utility allowances will be completed by December 31, 2020.

HCV-9 Homeownership Option

HACDB WILL NOT IMPLEMENT THIS WAIVER. There are not homeownership transactions that would be impacted by July 31, 2020.

HCV-10 Family Unification Program

HACDB WILL NOT IMPLEMENT THIS WAIVER. We do not administer a FUP program.

PUBLIC HOUSING PROGRAM WAIVERS

PH-1: Fiscal Closeout of Capital Grant Funds

HACDB will elect to utilize an extension of deadlines for ADCC or AMCC through the applicable period.

PH-2: Total Development Costs

HACDB elects to implement the waiver regarding TDC permitting the amount of Public Housing Funds committed to development of a project to exceed the applicable TDC and HCC limits by 25% without a waiver from HUD. The waiver applicability is through December 31, 2021. (The lack of available labor; shortage of materials; extended development timeframes; and changes in financial markets, all have the potential to increase development costs above the established HUD TDC and HCC limits)

If the project still exceeds TDC and HCC limits after the increase approved by HUD is taken into consideration, HACDB may submit a request for an exception pursuant to 24 CFR § 905.314(c) or request a waiver for other good cause for HUD's consideration.

PH-3: Cost and Other Limitations: Types of Labor

The HACDB may use force account labor for modernization activities through December 31, 2020 as needed. HUD has waived the requirement for the Action Plan approval the HACDB Board of Commissioners and HUD.

PH-4: ACOP: Adoption of Tenant Selection Policies

HACDB is implementing the HUD waiver permitting HACDB to adopt and implement changes to the ACOP on an expedited basis, without formal board approval. As an alternative requirement, HACDB will have all informally adopted revisions formally adopted no later than July 31, 2020.

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

HACDB is electing to utilize this CSSR which waives the community service and self-sufficiency. Tenants will not be subject to this requirement until the family's next annual reexamination. HACDB will report on Form HUD-50058 each individual's CSSR status as either exempt for those that are exempt, or pending for those that are otherwise eligible but for which the suspension prevents HACDB from determining compliance. After HACDB completes an annual reexamination for any family, the CSSR becomes effective again for family members for the subsequent annual reexamination cycle. The period of availability is through March 31, 2021.

PH-6: Energy Audits

HACDB will utilize the energy audit waiver for any applicable audit due before December 31, 2020. Documentation of the date of any subsequent audits performed will be maintained for future audit reviews. The end date of this waiver is one year beyond the date of the energy audit deadline in 2020 for any HACDB impacted project.

PH-7: Over-Income Families

HACDB will permit families to remain in their units and to continue to pay the same rental amount until such time that the HACDB conducts the next annual income recertification that would impact the family, in cases where HACDB records reflect that the family is over income.

HACDB will annotate the physical file and the Yardi system file, indicating that the waiver provision is being applied until the tenants' next reexam date. This applies to households whose recertification date is prior to December 31, 2020.

PH-8: Resident Council elections

HACDB WILL NOT IMPLEMENT THIS WAIVER. Resident Council elections occurred in 2019.

PH-9: Review and Revision of Utility Allowances

HACDB may elect to delay an annual review of utility allowances and the revision of allowances to the extent necessary. In the event of a delay, HACDB will complete any such review by December 2020.

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

HACDB will implement this waiver. Any notices will be sent to all PH tenants outlining any policies, project rules and regulations within 30 days of any such changes, through July 31, 2020.

PHAS, SEMAP, and Uniform Financial Reporting Standards

NOTE: HUD WILL UTILZE CURRENT PHAS AND SEMAP SCORES THROUGH MARCH 31, 2021

Uniform financial reporting standards: Filing of financial reports: Reporting Compliance Dates

HACDB WILL NOT IMPLEMENT THIS WAIVER. The audited financial statements have been entered and accepted.

PHA Reporting Requirements on HUD Form 50058.

HACDB will implement this waiver and alternative requirements under the notice, providing up to 90 days for HACDB submit HUD-50058 forms into IMS-PIC. To the greatest extent possible HACDB will submit the requisite forms within the normal 60 day period. This provision is in affect through December 31, 2020.

Designated Housing Plans – HUD 60 Day Notification

HACDB WILL NOT IMPLEMENT THIS WAIVER. The next plan is due in 2021.

Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds

Note: HUD is extending both the obligation end date and the expenditure end date for all open Capital Fund grants by one year from the current obligation and expenditure end date; however, no programmatic expenditure end date shall be extended beyond one month prior to the closure of the relevant appropriation account, pursuant to 31 U.S.C. § 1552.