PIH 2020-05: Waivers for Both Public Housing and Housing Choice Voucher Programs

Below is a summary of the available waivers BCOH has reviewed and determined to adopt. HUD is not required to be notified or provide an approval of the adoption of any of the waivers. However, BCOH is required to keep written documentation that records the waivers adopted and the effective dates. All waivers indicated adopted are effective with the notice on April 10, 2020.

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

  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). PHAs with 12/31/20 FYE dates must submit their 5-Year and annual plans not later than 1/16/21 (75 days before 4/1/21). Unless HUD subsequently updates this waiver authority, PHAs with 3/31 FYE dates will not be impacted.

  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.

  The significant amendment process waiver will remain available through July 31, 2020.

- **NOT ADOPTED: BCOH has already prepared and has submitted the Annual Plan for public review.**

- **PH and HCV-2. Family Income and Composition; Delayed and Annual Examinations**

  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 (see HCV waivers below).

  **ADOPT effective August 10, 2020:** BCOH will complete CY2020 recertifications no later than December 21, 2020.
• PH and HCV-3. 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 conducted in-person.

This waiver will be made available through July 31, 2020.

ADOPT effective April 10, 2020: BCOH will consider self-certifications.

• PH and HCV-4. 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.

This waiver is available through July 31, 2020.

ADOPT effective April 10, 2020: BCOH will consider self-certifications.

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

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

ADOPT effective April 10, 2020: BCOH will continue to monitor EIV reports as available.

• PH and HCV-6: 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.
ADOPT effective April 10, 2020: BCOH will consider extensions to a family’s COP for “good cause”.

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

  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.

  ADOPT effective April 10, 2020: BCOH will provide public notice either via voice mail, letter or website posting.

- **HQS-1: 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.

  A PHA may accept a self-certification until July 31, 2020.

  ADOPT effective April 10, 2020: BCOH will conduct inspections on vacant units. Lease in place inspections will require a self-certification of no existence of life-threatening conditions.

- **HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Complete Units**

  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.
A PHA may accept a self-certification until July 31, 2020 and must complete all delayed inspections by October 31, 2020.

**ADOPT effective April 10, 2020:** BCOH will conduct inspections on vacant units, with discretion to accept self-certification for units in buildings of high risk COVID-19 exposure. Lease in place inspections will require a self-certification of no existence of life-threatening conditions.

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

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.

A PHA may approve an extension up to July 31, 2020.

**ADOPT effective April 10, 2020:** Withhold HAP payment if not corrected within required deadline.

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

  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.

  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.

  The initial inspection option is available to the PHA for both tenant-based and 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.

  A PHA may use this waiver until July 31, 2020 and has until October 31, 2020 to inspect a unit that utilizes this waiver.
NOT ADOPTED: BCOH will accept self-certification from landlords as indicated in waivers HQS-1, 2 and 3

- **HQS-5: Biennial Inspections**

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.

**NOT ADOPTED:** Already performing biennial inspections per approved Administrative Plan.

- **HQS-6: 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.

This waiver extends until July 31, 2020.

ADOPT effective April 10, 2020: BCOH will consider 30 day correction

- **HQS-7: PBV Turnover Unit Inspections**

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 complete inspections.

This waiver may be used until July 31, 2020 and units with delayed inspections must be inspected by October 31, 2020.
ADOPT effective April 10, 2020: BCOH will accept a self-certification.

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

  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.

  A PHA may accept the owner’s self-certification until July 31, 2020 and has until October 31, 2020 to inspect the units to which this waiver applies.

  ADOPT effective April 10, 2020: BCOH will accept a self-certification.

- **HQS-9: HQS Quality Control Inspections**

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

  ADOPT effective April 10, 2020: BCOH will suspend HQS QC inspections.

- **HQS-10: HQS Space and Security**

  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.

  ADOPT effective April 10, 2020: BCOH will waive the bedroom occupancy requirement for temporary additions to the household.

- **HCV-1: 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 formerly adopted as practicable following June 30, 2020, but no later than July 31, 2020.

**NOT ADOPTED:** BCOH has revised the Administrative Plan and will be implementing effective July 1, 2020.

- **HCV-2: 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, 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.

  **ADOPT effective April 10, 2020:** BCOH currently providing alternative briefing options.

- **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.

  The waiver is available until July 31, 2020.

  **ADOPT effective April 10, 2020:** BCOH will consider additional extensions.

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

  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.

**ADOPT effective April 10, 2020:** BCOH will consider executed HAP Contracts beyond 60 days after the beginning of the lease term.

- **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.

  **ADOPT effective April 10, 2020:** BCOH will consider extended absences beyond 180 consecutive days for circumstances relating to COVID-19.

- **HCV-6: 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.

  **ADOPT effective April 10, 2020:** BCOH will consider extending the 180 day HAP Contract termination for $0 HAP contracts for circumstances relating to COVID-19.

- **HCV-7: Increase in Payment Standard under HAP contract term**

  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.

This waiver is ends on December 31, 2020.

**NOT ADOPTED:** BCOH has not implemented increased payment standards.

- **HCV-8: 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.

  **NOT ADOPTED:** Currently reviewing utility allowances. Will implement according to annual HUD requirement.

- **HCV-9: Homeownership Option – Homeownership Counseling**

  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.

  **NOT ADOPTED:** BCOH does not have a Homeownership program.

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

  The Department is waiving the requirement that FUP youth must be not more than 24 years of age (not yet reached their 25th birthday) and is replacing it with the requirement that FUP youth be not more than 25 years of age (not yet reached their 26th birthday).

  This waiver ends on December 31, 2020.

  **ADOPT effective April 10, 2020:** BCOH will consider FUP youth 25 years of age.

- **11.b: SEMAP (Section Eight Management Assessment Program)**
HUD will not issue SEMAP scores that are pending or for fiscal years ending in 2020 unless a PHA requests a SEMAP score. HUD will carry forward the PHAs most recent SEMAP score on record.

New SEMAP scores will issued by HUD beginning with PHAs that have a fiscal year end date of March 31, 2021.

**ADOPT effective April 10, 2020:** BCOH will not request new SEMAP score for 2020 – but continue with SEMAP QC file reviews.

- **11.c: Uniform Financial Reporting Standards; Filing of Financial Reports; Reporting Compliance Dates**

  HUD is waiving the unaudited and audited financial submission requirements and adopting an alternative requirement.

  Unaudited Financials: Submission of unaudited financials have been extended for six (6) months for PHAs with fiscal year ends of December 31, 2019 and March 31, 2020. December 31, 2019 fiscal year end PHAs now must submit their unaudited financials by August 31, 2020 and March 31, 2020 fiscal year end PHAs now must submit their unaudited financials by November 30, 2020.

  Audited Financials: Submission of audited financials have been extended for six (6) months for PHAs with fiscal year ends of June 30, 2019; September 30, 2019; December 31, 2019; and March 31, 2020. June 30, 2019 fiscal year end PHAs now must submit their audited financials by September 30, 2020; September 30, 2019 fiscal year end PHAs now must submit their audited financials by December 31, 2020; December 31, 2019 fiscal year end PHAs now must submit their audited financials by March 31, 2021; and March 31, 2020 fiscal year end PHAs now must submit their audited financials by June 30, 2021.

  **NOT ADOPTED:** REAC already submitted

- **12.a: PHA Reporting Requirements on HUD Form 50058**

  HUD is waiving the requirement that PHAs must submit form HUD-50058 60 calendar days after any action recorded on line 2b for transactions impacted by implemented waivers and alternative requirements. Through December 31, 2020, PHAs will have 90 days to submit their form HUD-50058 after the effective date of action to HUD. Although the waiver provides up to 90 days to submit form HUD-50058, HUD encourages PHAs that have operational capacity to continue submitting form HUD-50058 within the normal 60-day timeframe.
HUD will issue guidance in the near future that will provide PHAs with workarounds to ensure that the delayed submission of form HUD-50058 does not cause any fatal errors in the IMS-PIC system.

PIH recognizes this Notice and any subsequent Notices providing waiver authority to HUD-50058 submission requirements could impact the PHA’s ability to submit HUD-50058 forms into the IMS-PIC system and potentially result in fatal errors. In order to minimize the occurrence of these errors resulting from implementing these waivers, PIH will be issuing guidance in the near future that will provide PHAs with workarounds to avoid any potential issues in the PIC system.

For PHAs that submit HUD-50058 forms and receive a fatal error, PIH will not require these HUD-50058 forms to be re-submitted consistent with the waiver of reporting provisions in the Notice. PIH encourages these PHAs to not re-submit these forms until after PIH issues the revised guidance for HUD-50058 reporting. For PHAs that submit HUD-50058 forms successfully in the interim period before the new reporting guidance is issued, PIH may require corrections to these HUD-50058 forms and re-submission to IMS-PIC.

ADOPT effective April 10, 2020: BCOH will consider 90 day PIC submission for actions impacted by COVID-19 alternative requirements or implemented waivers.