

SPECIAL HUD COVID-19 WAIVERS

The Department of Housing and Urban Development has authorized all public housing authorities to implement certain waivers from its normal requirements without prior HUD approval (PIH Notice 2020-05, **SUBJECT: COVID-19 Statutory and Regulatory Waivers for the Public Housing and Housing Choice Voucher programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program**).

Be it resolved by **the Housing Authority of Lincoln County** that due to the COVID-19 emergency, it has chosen to implement the following waivers all of which were implemented on **May 1, 2020**. They are being ratified by the Board of Commissioners on **May 19, 2020**. Any HUD extension of the dates mentioned below shall be automatically approved by the Housing Authority without further Board action.

The waivers selected are based on the Housing Authority's local situation. The descriptions of the specific waivers below are summaries. The PHA shall fully understand and comply with the waivers as described in the HUD Notice in all their particularities.

The Executive Director is hereby delegated with the express authority to nullify any waiver and end this modification of the procedures and/or policies at such time as the Executive Director determines appropriate. Also, the Executive Director may choose to not take advantage of any of these waivers at the Executive Director's sole discretion. The Housing Authority will automatically take advantage of any additional appropriate waivers and expiration deadline extensions offered by HUD.

PUBLIC HOUSING AND HOUSING CHOICE VOUCHERS

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

The PHA is hereby taking advantage of the waiver that delays annual reexaminations of HCV and public housing families. However the PHA will follow the requirement regarding an increase in the payment standard contained in HCV-7.

All annual recertifications due in calendar year 2020 will be completed by December 31, 2020.

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

The PHA will take advantage of the HUD waiver that allows the PHA to not follow the income hierarchy of PIH Notice 2018-18. The PHA will consider resident and participant self-certification as the highest form of income verification for exams done prior to July 31, 2020. The self-certification may occur over the telephone extemporaneously documented by the PHA's staff, or via email or regular mail.

If the PHA later determines that there are material discrepancies in a self-certification, the PHA will take the appropriate enforcement actions according to the PHA's policy.

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

The requirements for annual examinations stated above in PH and HCV-3 also apply to interim examinations conducted before July 31, 2020.

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

The Housing Authority is taking advantage of HUD's waiver of requirements to not monitor the PHA's EIV reports prior to July 31, 2020.

HOUSING QUALITY STANDARDS

HQS-1: Initial Inspection Requirements

The Housing Authority is accepting HUD's waiver of initial inspections not being required prior to the beginning of the initial lease term. Instead, the PHA will accept an owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units. The PHA reserves the right to add other requirements or conditions to this owner certification. In cases where owner certification was used, HALC will conduct inspection of the unit when reasonably practical, but no later than 1-year anniversary of date of owner's certification. This waiver is applicable until December 31, 2020.

HQS-5: HOS Inspection Requirement – Biennial Inspections

Inspections must be made every other year or every third year depending upon the housing authority and the PHA's Administrative Plan. HUD is waiving these inspection periods so long as the inspections are completed as soon as reasonably possible, but no later than 1-year after the date on which the biennial inspection would have been required absent the waiver. This waiver is applicable through October 31, 2020.

HQS-6: HOS Interim Inspections

Interim inspections requested prior to July 31, 2020 do not have to follow the normal regulatory timeframes. Instead they must be made as soon as feasible. As a condition of this change the PHA is required to notify the owner of a reported life-threatening deficiency. The owner must either correct the life-threatening deficiency within 24 hours or provide adequate documentation that the reported deficiency does not exist. In the case of non-life threatening deficiencies the owner must make the repair or document that the deficiency does not exist within 30 days or any approved extension that the PHA makes. The PHA is not required to conduct an on-site inspection to verify the repairs have been made, but may rely on an alternative verification method such as photographs or tenant certifications. Applicable through December 31, 2020.

HQS-9: HOS Quality Control Inspections

The requirement for PHAs to conduct supervisory quality control inspections of a sample of units under contract is waived until December 31, 2020.

HQS-10: Housing quality standards: Space and Security

The regulation establishes a minimum standard for adequate space for assisted families. It requires at least one bedroom or living/sleeping room for each 2 persons. For people continuing to live in the same unit who need to add a person or persons to their lease because of the COVID-19 emergency, the minimum space requirement is waived. This does not apply to an initial or new lease. This waiver is in effect one year from lease term or 7/2/2021 whichever is longer

HOUSING CHOICE VOUCHER PROGRAM

HCV-1: Administrative Plan

HUD is waiving the requirement that all changes to the Administrative Plan be approved by the Board of Commissioners prior to adoption. Instead, the Board must approve revisions as soon as practical, but no later than December 31, 2020.

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

HUD requires that all families participating in the HCV or PBV program should be given an oral briefing prior to admission. This requirement is being waived and, as a substitute, HUD will allow things like webcasts, video calls, or expanded information packets as substitutes. Section 504 and the ADA requirements remain. This waiver expires on December 31, 2020.

HCV-3: Term of Voucher – Extensions of Term

HUD is waiving the requirement for voucher extensions to be according to the Administrative Plan. Instead, HUD is allowing the PHA to extend the term of vouchers according the needs of the PHA's community. This authority expires on December 31, 2020.

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

HUD is waiving the requirement that a HAP contract be executed within 60 days of the beginning of the lease and extending that term to 120 days from the beginning of the lease. This waiver expires December 31, 2020.

HCV-5: Absence from Unit

The regulation requires that a family not be absent from a unit for more than 180 consecutive calendar days for any reason. Due to the COVID-19 emergency, this is being waived in the case of extenuating circumstances (e.g. hospitalizations, extended stays at nursing homes, caring for family members). This waiver expires on December 31, 2020.

HCV-6: Automatic Termination of HAP contract

A HAP contract is typically terminated 180 days after the last HAP payment to the owner. This waiver removes the 180-day limit and substitutes a time set by the PHA. This waiver expires on December 31, 2020.

HCV-7: Increase in payment standard under HAP contract term

The regulation requires that if the payment standard amount increases during a HAP contract, the new payment standard shall be effective on a family's first reexamination on or after the increase in the payment standard. HUD is waiving this requirement and allowing the PHA to apply the increased payment standard at any time after the effective date of the new payment standard, provided that the increased payment standard is used no later than the effective date of the family's first regular reexamination following the change.

If the PHA adopted the waiver in PH and HCV-2 the PHA must use the increased payment standard beginning on the date of the family's first regular examination that would have been effective in the absence of the waiver. Alternatively, the PHA can conduct an interim reexamination where the only change is the increased payment standard amount. This waiver expires December 31, 2020.

HCV-8: Utility allowance schedule – required review and revision

This waives the requirement to revise the PHA's utility allowance if there's been a change of 10% or more in a utility rate. This waiver expires December 31, 2020.

PUBLIC HOUSING PROGRAM

PH-1: Fiscal Closeout of Capital Grant Funds

This waiver extends the deadline for the submission of any Actual Development Cost Certificates (ADCC) and an Actual Modernization Cost Certificates (AMCC) (two financial reporting documents required to close out Capital Fund grants). This waiver extends the required filing dates between March 1, 2020 and September 30, 2020 by 6 months.

PH-4: ACOP: Adoption of Tenant Selection Policies

This waiver allows the PHA to adopt and implement changes in their ACOP without formal Board approval so long as the Board of Commissioners approves them as soon as practical, but before December 31, 2020.

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

This waiver suspends the community service self-sufficiency requirement until March 31, 2021.

PH-6: Energy Audits

This waiver suspends the requirement of an energy audit being completed every 5 years if the audit was due before December 31, 2020. The audit requirement is extended for one year.

PH-7: Over-Income Families

This waiver suspends the over income requirement between now and December 31, 2020 and over-income families can retain their unit under the status quo.

PH-9: Review and Revision of Utility Allowances

This waiver suspends the annual requirement of reviewing utility allowances that are due in 2020. However, the review must be completed by December 31, 2020.

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

The PHA is required to provide 30-day notice to impacted families to changes in policies, rules and special charges before the changes are made. HUD is waiving the requirement for advance notice except for any changes made to tenant charges. However, the PHA is required to notify impacted families within 30 days of making such changes. This waiver expires December 31, 2020.

11. PHAS, SEMAP, and Uniform Financial Reporting Standards

a. PHAS

HUD is suspending physical inspections for housing authorities unless the PHA requests a new PHAS score. New PHAS scores will not be issued for PHAs with a fiscal year ending on or before December 31, 2020. PHAS scoring will resume for PHAs with fiscal years ending March 31, 2021.

b. SEMAP

SEMAP scores are being suspended for PHAs whose fiscal year ends on or before December 31, 2020 unless the PHA requests a new SEMAP score. SEMAP scores will resume for PHAs with fiscal years ending March 31, 2021.

c. Uniform financial reporting standards; Filing of financial reports; Reporting Compliance Dates

HUD is extending the required date for filing various financial reports according to a schedule set forth in the notice for all agencies with fiscal years ending before June 30, 2020.

12. Other Waivers and Administrative Relief.

a. PHA Reporting Requirements on HUD Form 50058.

Form 50058 is normally required to be submitted within 60 calendar days from the effective date of any action recorded on line 2b of the form. This waiver extends the 60-day requirement to 90 days. If the PHA receives a fatal error report, the PHA will not be required to resubmit the form under this waiver. This waiver expires December 31, 2020.