

***Striving to Provide Quality Housing Choices
and
Affordable Communities***



***COVID-19 Statutory and Regulatory
Waivers for Public Housing &
Housing Choice Voucher Programs***

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The Housing Commission of Anne Arundel County

COVID-19 Statutory and Regulatory Waivers for Public Housing & Housing Choice Voucher Programs

1. Introduction

On April 10, 2020, the U.S. Department of Housing and Urban Development (HUD) released a series of waivers and program updates, 44 in total, for the Public Housing and Housing Choice Voucher (HCV) programs. The waivers were issued by HUD's Office of Public and Indian Housing (PIH) in Notice PIH 2020-05, COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

The purpose of the statutory and regulatory waivers is for HUD to assist PHAs in continuing to operate and provide critical housing services to their local communities. HUD provides a non-inclusive list of critical PHA functions which includes issuing vouchers so families can find housing, processing Requests for Tenancy Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, ensuring occupancy of Public Housing units, processing minimum rent hardship exemptions, and completing reexaminations for participants who have experienced a decrease in income.

All waivers and alternative requirements provided in Notice PIH 2020-05 are effective as of April 10, 2020. HCAAC will adopt the waivers listed in this document and revert to the standard program rules on January 1, 2021, unless otherwise noted in the specific waiver.

As required in the notice PIH 2020-05, HCAAC does not need to notify HUD to adopt the waivers and alternative requirements. However, HCAAC is maintaining this written documentation of the adopted waivers as HUD may require a PHA to provide HUD information on which waivers were implemented and the dates the PHA used each waiver.

This document will be provided to the program residents and owners of these accepted waivers and alternative requirements that it is adopting and the impact that waiver and alternative requirement will have on the resident and owner. HCAAC will also place this document information on the www.hcaac.com website.

On July 2, 2020, HUD released Notice PIH 2020-13 which provides relief to PHAs in response to the COVID-19 pandemic by extending current waivers and releasing new waivers to help ease administrative burden and provide safe, secure housing to low-income individuals.

On November 30, 2020, HUD released Notice PIH 2020-33 which provides relief to PHAs in response to the COVID-19 pandemic by extending current waivers from PIH 2020-13, PIH-2020-20 and PIH 2020-22 and releasing new waivers to help ease administrative burden and provide safe, secure housing to low-income individuals.

2. Waiver 1 – Family Income and Composition; Delayed & Annual Examinations:

HCAAC may delay annual reexaminations of HCV and Public Housing families.

This waiver will be available through December 31, 2020 for **Calendar Year 2020 and through June 30, 2021 for 1/1/21-6/30/21.**

3. Waiver 2 – Family Income and Composition; Annual & Interim Examinations – Income Verification requirements:

HCAAC will forgo third-party income verification requirements for annual reexaminations and interim reexaminations, including the use of EIV. HCAAC will continue to complete annual and interim reexaminations rather than delay them. HCAAC will consider self-certification as the highest form of income verification to process reexaminations. This may occur over the telephone (but must be documented for the written record by HCAAC staff), through an email or postal mail with a self-certification form by the tenant, or through other electronic communication. Income and family composition recertification's do not have to be conducted in-person.

This waiver will be available through ~~December 31, 2020~~ **June 30, 2021.**

4. Waiver 3 – Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension:

HCAAC will consider the circumstances surrounding COVID-19 to qualify as "good cause" to extend a family's contract of participation in the FSS program.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021.**

5. Waiver 4 – Housing Choice Voucher-Housing Quality Standards; Initial and Biennial Inspections:

HCAAC will delay biennial inspections until reasonably possible.

~~This waiver will be available through October 31, 2020.~~ **The delayed biennial inspection must be completed as soon as reasonably possible but no later than one year after the date the biennial inspection would have been required absent the waiver. The PHA may rely on the owner's certification that the owner has no reasonable to have knowledge that life-threatening conditions exist in the unit of units in question instead of conducting inspection.**

This waiver will be available through ~~December 31, 2020~~ **June 30, 2021** to resume inspections and **December 31, 2021** to conduct delayed biennial inspections.

6. Waiver 5 – Housing Choice Voucher-Housing Quality Standards; Interim Inspections:

HCAAC will not conduct an on-site inspection to verify the repairs have been made. HCAAC will accept alternative verification methods (photos, tenant certification) to satisfy the deficiency.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021**.

7. Waiver 6 – Housing Choice Voucher-Housing Quality Standards; PBV HAP Contract, HQS Inspections to Add or Substitute Units:

HCAAC will rely on owner's certification that there are no life-threatening deficiencies in order to add or substitute units to the contract.

This waiver will be available through ~~July 31, 2020~~ for additions and substitutions but until ~~October 31, 2020~~ to inspect the unit **June 30, 2021**.

8. Waiver 7 – Housing Choice Voucher-Housing Quality Standards; HQS Quality Control Inspections:

HCAAC is waving conducting quality control inspections.

This waiver will be available through ~~October 31, 2020~~ ~~December 31, 2020~~ **June 30, 2021**.

9. Waiver 8 – Housing Choice Voucher- Information when Family is Selected, PHA Oral Briefing:

HCAAC will conduct briefings by other means such as an expanded information packet, email and phone conversation.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021**.

10. Waiver 9 – Housing Choice Voucher – Term of Voucher, Extension of Term:

HCAAC will provide voucher extensions for full 120 days without a request for all vouchers issued.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021**.

11. Waiver 10 – Housing Choice Voucher – PHA Approval of Assisted Tenancy, When HAP Contract is Executed:

HCAAC will allow the execution of a contract after 60 days after the beginning of a lease and make HAP back to the beginning of the lease term.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021**.

12. Waiver 11 – Housing Choice Voucher – Absence from Unit:

HCAAC will allow the absence of tenant from the unit longer than 180 days and to continue HAP without terminating due to extenuating circumstances.

This waiver will be available through ~~December 31, 2020~~ **June 30, 2021**.

13. Waiver 12 – Housing Choice Voucher – Automatic Termination of HAP Contract:

HCAAC will extend the period of time, beyond the 180 days, after the last HAP payment is made before the contract terminates automatically.

This waiver will be available through ~~December 31, 2020~~ **June 30, 2021**.

14. Waiver 13 – Public Housing – Community Service and Self-Sufficiency Requirement (CSSR):

HCAAC will suspend the CSSR requirement for all families and they will remain exempt until their first reexamination after ~~March 31, 2021~~ **June 30, 2021**.

15. Waiver 14 – Public Housing - Over Income Families:

HCAAC will not terminate rental assistance to families whose income exceeds the program maximum over two consecutive reexaminations.

This waiver will be available through ~~December 31, 2020~~ **June 30, 2021**.

16. Waiver 15 – Public Housing – Resident Council Elections:

HCAAC will delay resident council elections beyond the three-year term limit.

This waiver will be available through ~~July 31, 2020~~ **June 30, 2021**.

17. Waiver 16 – Administrative Relief – PHA Reporting Requirements on HUD 50058:

HCAAC will not be required to submit form HUD-50058 60 calendar days after any action is recorded. HCAAC will submit at least prior to 90 days after the effective date of action.

This waiver will be available through December 31, 2020.

18. Waiver 17 – Administrative Relief – Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds:

HCAAC will extend both the Capital Fund obligation end date and the Capital Fund expenditure date for all open Capital Fund grants by ~~one year~~ **eighteen months** from the current obligation and expenditure end date.

19. Waiver 18 –Enterprise Income Verification (EIV) Monitoring:

HCAAC will not be required to use the Enterprise Income Verification (EIV) Monitoring system.

This waiver will be available through June 30, 2021.

20. Waiver 19 – Annual Choice of Rent:

HCAAC will not be required to give families the option of choosing between a flat rent and an income-based rent. The PHA may give families no more than two opportunities to switch between type of rent.

This waiver will be available through June 30, 2021.

21. Waiver 20 – SEMAP Certification Timing:

HCAAC will not be required to submit an annual SEMAP certification within 60 days of FYE during the timeframe HUD is rolling over prior year scores.

This waiver will be available through June 30, 2021.

22. Waiver 21 – Energy Audits:

HCAAC will delay the requirement to complete an energy audit within the calendar year.

This waiver will be available through December 31, 2021.

23. Waiver 22 – Adoption of Tenant Selection Policies:

HCAAC will not be required to get approval prior to adopting and implementing policies in the ACOP or Administrative Plan with formal board approval.

This waiver will be available through June 30, 2021.

Reference:

Notice PIH 2020-05, April 10, 2020, PIH 2020-13, PIH 2020-20 PIH 2020-22, PIH 2020-33, November 30, 2020 - COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

