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PIH Notice 2020-05 (CARES Act Waiver Notice)

April 17, 2020



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Agenda

- Background on [PIH Notice 2020-05](#)
- Review waivers and alternative requirements that apply to public housing and the Housing Choice Voucher (HCV) program
- Q&A



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The CARES Act

- The President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, into law on March 27, 2020
 - Provides broad waiver authority and flexibilities, to allow PIH and our partners to continue the mission of providing decent, safe, and affordable housing
 - Implemented through PIH Notice 2020-05 published on April 10, 2020
 - Provides additional funding to HUD to prevent, prepare for, and respond to the national impacts of the coronavirus pandemic
 - Future PIH Notices will provide information on supplemental funding



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Waivers | Guiding Principles

- Maintain health and safety of PHA/TDHE residents, landlords, and staff while allowing for maximum flexibility
- Extend relief quickly so PHAs and TDHEs can continue operations to the extent possible.
 - Clarifying or additional guidance or waivers may be necessary. Timeframes may be extended.
 - Address most requested waivers from FAQ mailbox, conference calls, prior disaster experience.



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Public Housing and Housing Choice Voucher Programs

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How to Adopt Flexibilities in PIH Notice 2020-05

- The use of waivers is at the discretion of the PHA.
- PHAs may choose to apply all, some, or none of the waivers. Some of the waivers require the use of alternative requirements.
 - If a waiver is adopted and has an alternative requirement, it should be read carefully as some alternative requirements are written simply as a “floor” and others are mandatory.



How to Adopt Flexibilities in PIH Notice 2020-05

- PHAs do not need to notify HUD or receive approval to begin using waivers/alternative requirements.
 - HUD may subsequently require PHAs to report on waivers utilized (see attachments at end of notice).
- PHAs must notify residents and owners of any impacts that waivers and alternative requirements, where applicable, as soon as practicable.
 - Encourage agencies to adapt their communications in consideration of local conditions and resources.



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Waiver Availability Period

- Waivers and alternative requirements are available for immediate use by PHAs.
- HUD provides a “period of availability” – a date through which the waivers and alternative requirements are effective.
- PHAs are not required to keep the waiver/ alternative requirement in-place for the full period of availability (including any extension) but may at any time choose to revert to regular program requirements and operations.



PHAS and SEMAP

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• HUD will carry forward 2019 Public Housing Assessment System (PHAS) and Section Eight Management Assessment System (SEMAP) scores for 2020 unless the PHA requests that a score be issued• HUD will begin re-scoring PHAs with a fiscal year end of 3/31/21	<ul style="list-style-type: none">• Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h) of 1937 United States Housing Act (USHA)• 24 CFR §§ 903.5(a)(3), 903.5(b)(3), 903.21	27-28



Reporting Waivers

Waiver Summary			Page Number
Extension of time period for Annual/5-Year Plan and significant amendment submissions			6
PHA FYE	Revised Submission Requirement	Revised Due Date	
6/30/20 and 9/30/20	75 days before 1/1/21	10/18/20	
12/31/20	75 days before 4/1/21	1/16/21	



HCV-1, PH-4 Admin Plan and ACOP

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• PHA administrative plans and ACOPs may be revised on a temporary basis without Board approval.• 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.	<ul style="list-style-type: none">• 24 CFR § 982.54 (a), 960.202(c)	19 and 24



Waiver Summary			Page Number
Extension for submission of audited and unaudited financial statements			30
FYE	Due Date	Extended Due Date	
Audited			
6/30/2019	3/31/2020	9/30/2020	
9/30/2019	6/30/2020	12/31/2020	
12/31/2019	9/30/2020	3/31/2021	
3/31/2020	12/31/2020	6/20/2021	
Unaudited			
12/31/2019	2/29/2020	8/31/2020	
3/31/2020	5/31/2020	11/30/2020	



Reporting Waivers

Waiver Summary	Page Number
HUD is waiving the mandatory EIV monitoring requirements through July 31, 2020	10
Extension HUD is extending the time period PHAs must submit 50058 transactions to PIC from 60 days to 90 days	29



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PH and HCV -2 Annual Reexaminations: Option 1

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• PHAs may delay annual reexaminations• All delayed annual reexaminations must be completed no later than 12/31/20	<ul style="list-style-type: none">• Section 3(a)(1) of the USHA of 1937• 24 CFR § 982.516(a)(1) , § 960.257(a)	8



Waiver Summary	References	Page Number
<ul style="list-style-type: none">• PHAs may continue to conduct on-time annual reexaminations by opting to streamline income verification requirements through 7/31/20<ul style="list-style-type: none">• PHAs may consider self-certification the highest form of income verification• Verification could occur over phone, through an email with a self-certification form by the family, or through other electronic communication	<ul style="list-style-type: none">• 24 CFR § 5.233(a)(2),• PIH Notice 2018-18	8



PH and HCV -4 Interim Examinations

Waiver Summary	References	Page Number
<p>Through 7/31/20, PHAs may consider self-certification as the highest form of income verification to process interim reexaminations.</p> <ul style="list-style-type: none">• PHAs may consider self-certification the highest form of income verification• Verification could occur over phone, through an email with a self-certification form by the family, or through other electronic communication	<ul style="list-style-type: none">• Section 3(a)(1) of the USHA of 1937• 24 CFR § 982.516(c)(2) § 960.257(b) and (d) § 5.233(a)(2),• PIH Notice 2018-18	<p>9</p>



Reporting Waivers

Waiver Summary	Page Number
<p>Extension of 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</p> <ul style="list-style-type: none">• The expenditure end date cannot be extended beyond one month prior to the closure of the relevant appropriation account.	30
<p>Deadline extension for an ADCC or AMCC that fell between March 1, 2020, and September 30, 2020, by 6 months</p>	23



Total Development Costs

Waiver Summary	Reference	Page Number
<ul style="list-style-type: none">• HUD is waiving the TDC and HCC limits to allow 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.<ul style="list-style-type: none">• Amounts in excess of 25% up to 50% may be approved by the HUD program office on a case-by-case basis, if sufficient justification is provided.• This waiver applies to public housing development, Mixed-Finance development and Choice Neighborhoods• All other requirements of development set forth in 24 CFR § 905.600 still apply	<ul style="list-style-type: none">• 24 CFR § 905.314(c)	23



HQS Waivers and Alternative Requirements (pages 12-19)	
HQS-1: Initial Inspection Requirements	HQS-7 PBV Turnover Unit Inspections
HQS-2 Project Based Voucher (PBV) Pre-HAP Contract Inspections	HQS-8 PBV HAP Contract
HQS-3: Initial Inspection Non-Life Threatening Deficiency Options	HQS-9 HQS QC Inspections
HQS-4 Initial Inspection – Alternative Inspection Option	HQS-10 Space and Security
HQS-5 Biennial Inspections	HQS-11 Homeownership
HQS-6 – HQS Interim Inspections	



Waiver Summary	References	Page Number
<ul style="list-style-type: none">• Instead of conducting an initial inspection, PHAs may place units under HAP contract by relying on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit<ul style="list-style-type: none">• At minimum the PHA must require this owner certification but may add other requirements or conditions.• PHA must conduct an HQS inspection on the unit as soon as reasonably possible but no later than October 31, 2020.	<ul style="list-style-type: none">• Section 8(o)(8)(A)(i), Section 8(o)(8)(C),• 24 CFR § 982.305(a), 982.305(b), 982.405	12



Biennial Inspections

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• PHAs may delay biennial inspections for both tenant-based and PBV units.• All delayed biennial inspections must be completed as soon as reasonably possible but no later than October 31, 2020.	<ul style="list-style-type: none">• Section 8(o)(D)• 24 CFR 982.405(a), 983.103(d)	15



Interim Inspections

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• HUD is waiving the requirement that PHAs must inspect units with reported life-threatening conditions within 24 hours or other conditions within 15 days and establishing these alternative requirements:<ul style="list-style-type: none">• For life-threatening deficiencies, PHA must notify the owner of the reported life-threatening deficiency and owner must either correct the life-threatening deficiency within 24 hours of the PHA notification or provide documentation (e.g., text or email a photo to the PHA) that the reported deficiency does not exist.• For non-life-threatening deficiencies, PHA 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	<ul style="list-style-type: none">• Section 8(o)(8)(F)• 24 CFR §§ 982.405(g), 983.103(e)	16



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HCV-10

Family Unification Program & Foster Youth to Independence

Waiver Summary	References	Page Number
<ul style="list-style-type: none">PHAs may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not yet reached their 26th birthday).	Section 8(x)(2)	23



Other HCV Waivers

Waiver Summary	Page Number
PHAs may conduct briefing by other means such as a webcast, video call, or expanded information packet through July 31, 2020	19
PHAs may make changes to voucher extensions even though it has been unable to formally amend its policy in the administrative plan through July 31, 2020	20



Other HCV Waivers

Waiver Summary	Page Number
PHAs may continue HAP when a family is absent from the unit more than 180 due to extenuating circumstances through 12/31/20	20
PHAs may execute HAP contract after 60 days and make housing assistance payments back to the beginning of the lease term. HAP contract must be executed no later than 120 days from the beginning of the lease term through 7/31/20	20
PHAs may extend the period of time following the last payment to the owner that triggers the automatic termination of the HAP contract through 12/31/20	21



Other HCV Waivers

Waiver Summary	Page Number
PHAs may apply the increased payment standard at any time after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change through 12/31/2020	21
PHAs may permit the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements through 7/31/20	22



Other PH and HCV Waivers

Waiver Summary	Page Number
PHAs that open their waiting list between now and 7/31/20 may provide public notice in a voicemail message on its main or general information telephone number and through its website	11
Through 12/31/20, PHAs may consider the circumstances surrounding COVID-19 as good cause to extend FSS contracts of participation	11
Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed by the end of 2020	22, 26



Community Service

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• HUD is waiving this requirement and is alternatively suspending the community service and self-sufficiency requirement.<ul style="list-style-type: none">• If a PHA adopts this waiver, families will not be subject to this requirement until the family's next annual reexamination.• Upon the family's next annual reexamination, PHAs should 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 a housing authority from determining compliance.	Section 12(c) of 1937 USHA, 24 CFR § 960.603(a) and 960.603(b)	25



Over-income Families

Waiver Summary	References	Page Number
<ul style="list-style-type: none">• PHAs are required to terminate or charge an alternative rent to families whose income exceeds the program maximum income level for two consecutive years.<ul style="list-style-type: none">• HUD defined the two-year time period as two consecutive reexamination cycles.• In order to be consistent with the delay in annual reexaminations permitted under waiver PH and HCV-2 HUD is waiving this requirement and is permitting such families to remain in their units until such time that a PHA conducts the next annual income recertification that would impact the family.	<ul style="list-style-type: none">• Section 16(a)(5) of the USHA of 1937• HOTMA- Implementation of the Public Housing Income Limit (83 FR 35490, July 26, 2018)• Notice PIH 2019-11	26



Public Housing Waivers

Waiver Summary	References	Page Number
<p>HUD will waive this requirement to allow for the use of force account labor for modernization activities even if this activity has not been included in the non-high performer PHA's 5-Year Action Plan through 12/31/20.</p>	<p>24 CFR § 905.314(c)</p>	<p>24</p>
<p>PHAs are required to complete an energy audit for each PHA-owned project not less than once every five years. HUD is waiving this requirement and is alternatively suspending the performance of the audits for one year for those that were due before December 31, 2020.</p>	<p>24 CFR § 965.302</p>	<p>25</p>



Public Housing Waivers

Waiver Summary	References	Page Number
<p>PHAs may delay resident council elections beyond the three-year limit if necessary. The delayed resident council election must be rescheduled and held as soon as reasonably possible once circumstances permit, after 7/31/20</p>	24 CFR § 964.130(a)(1)	26
<p>PHAs are required by regulation to provide 30-day notice to impacted families for changes to policies, rules and special charges to families.</p> <ul style="list-style-type: none">• Through 7/31/20, HUD is waiving the requirement to provide such advance notice, except advance notice must be provided for any changes related to tenant charges• PHAs must still provide adequate notification to impacted families within 30 days of making such changes.	24 CFR § 966.5	27



Designated Housing Plan

Waiver Summary	References	Page Number
<p>For PHAs that have submitted a Designated Housing Plan, under existing statute if HUD does not respond within 60 days the plan is considered accepted.</p> <ul style="list-style-type: none">• HUD is temporarily waiving this deadline to ensure that it can review and adequately address any fair housing concerns but will complete Designated Housing Plan reviews as expeditiously as possible.• HUD is waiving the 60-day notification requirement for those plans submitted after March 1, 2020 through July 31, 2020	Section 7(e)(1) of 1937 USHA	30



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Questions, Comments, Concerns, Suggestions?

After today's Q&A please email questions
to: PIH-covidwaivers@hud.gov