



To: FHC Board of Commissioners
From: Heather Van Poucker, Executive Director
Date: May 11, 2020
RE: HUD COVID-19 Statutory and Regulatory Waivers

On April 10, 2020 HUD issued PIH Notice 2020-05 which provides statutory and regulatory waivers to offer public housing authorities (PHAs) administrative relief amidst the COVID-19 emergency. Under this notice, FHC may opt to waive or modify programmatic and operational policies and processes to align with safety standards and Executive Orders pertaining to COVID-19. FHC is NOT required to notify HUD of the waivers we adopt or utilize. We ARE required to keep a record and notify PH residents, HCV participants, and HCV landlords "as practicable."

Attached is the HUD Form that documents the 27 waivers we are or plan to utilize in the immediate future. We do not need 16 of the waivers, and there are 2 we may need in the future, but can adopt at a later date if necessary. Many waivers offer relief from deadlines only, and require we DO complete the item but later than is typical.

All but one of the waivers has an effective date of April 10, 2020. The other is May 1, 2020; the soonest date possible to implement the waiver. The "availability period" for waivers is generally July 31, 2020 for "short-term" waivers and December 31, 2020 for long-term.

The waivers offer a few different forms of relief:

First, they delay deadlines for residents/participants and ease requirements associated with program participation. (for example, accepting a verbal certification of income sources rather than original documentation.)

Second, they allow us to use every possible programmatic tool to ease financial burden on residents/participants. (for example, implementing higher payment standards at time of interim, rather than only at annual recertification)

Third, they allow us to modify our administrative deadlines and operations to function at partial capacity and with work-at-home operations. (for example, audit deadline 3/31/21 rather than 9/30/20)

Lastly, they permit more flexibility with landlords who may be more challenged to meet deadlines or comply with strict requirements at this time. (for example, accepting verbal certification from occupant that repairs are complete rather than on-site inspection)

Upon approval we will post the waiver table on the website and develop additional means to communicate the impact of these waivers to our residents/program participants.

Attachment: Summary of Public Housing and HCV Waivers and Alternative Requirements (Refer back to the Notice using the item code for a full description and more detailed information.)

This chart summarizes the waivers authorized under this notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
PH and HCV-1 PHA 5-Year and Annual Plan	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)	<ul style="list-style-type: none"> Alternative dates for submission Changes to significant amendment process 	<ul style="list-style-type: none"> Varies based on FYE 7/31/20 <p><i>DUE 1-16-21</i></p>	<i>Yes</i>	<i>4-10-20</i>
PH and HCV-2 Family income and composition – delayed annual reevaluations	<u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21	<ul style="list-style-type: none"> Permits the PHA to delay the annual reexamination of income and family composition HCV PHAs must implement HCV-7 for impacted families if they implement this waiver 	<ul style="list-style-type: none"> 12/31/20 <p><i>We will continue to process on-time</i></p>	<i>NO</i>	<i>—</i>
PH and HCV-3 Annual	<u>Regulatory Authority</u> § 5.233(a)(2)	<ul style="list-style-type: none"> Waives the requirements to use the income 	<ul style="list-style-type: none"> 7/31/20 	<i>Yes</i>	<i>4-10-20</i>

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reexamination Income Verification	<u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<p>hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</p> <ul style="list-style-type: none"> PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later 			
PH and HCV-4 Interim reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
PH and HCV-5 EIV System Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u>	<ul style="list-style-type: none"> Waives the mandatory EIV monitoring requirements. 	<ul style="list-style-type: none"> 7/31/20 We continue to monitor 	No	

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PH and HCV-6 FSS Contract of Participation	PIH Notice 2018-18 <u>Regulatory Authority § 984.303(d)</u>	<ul style="list-style-type: none"> Provides for extensions to FSS contract of participation 	<ul style="list-style-type: none"> 12/31/20 	N/A	
PH and HCV-7 Waiting List	<u>Regulatory Authority § 982.206(a)(2)</u> PIH Notice 2012-34	<ul style="list-style-type: none"> Waives public notice requirements for opening and closing waiting list Requires alternative process 	<ul style="list-style-type: none"> 7/31/20 	Maybe	
HQS-1 Initial inspection	<u>Statutory Authority Section 8(o)(8)(A)(i), Section 8(o)(8)(C)</u> <u>Regulatory Authority § 982.305(a), 982.305(b), 982.405</u>	<ul style="list-style-type: none"> Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Yes for occupied units 4-10-20	
HQS-2: <u>PBV Pre-HAP Contract Inspections, PHA acceptance of completed units</u>	<u>Statutory Authority: Section 8(o)(8)(A)</u> <u>Regulatory Authority: §§ 983.301(b), 983.156(a)(1)</u>	<ul style="list-style-type: none"> Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Will inspect new lease ups that are vacant N/A	

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HQS-3 Non-Life Threatening HQS - Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Allows for extension of up to 30 days for owner repairs of non-life threatening conditions 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
HQS-4 Initial HQS - Alternative Inspections	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Yes	4-10-20
HQS-5 Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> Allows for delay in biennial inspections All delayed biennial inspections must be completed as soon as reasonably possible but 	<ul style="list-style-type: none"> 10/31/20 	Yes	4-10-20

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HQS-6 Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F) <u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)	by no later than October 31, 2020. <ul style="list-style-type: none"> • Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods 	<ul style="list-style-type: none"> • 7/31/20 	YES	4-10-20
HQS-7 PBV Turnover Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> • Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 	N/A	
HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)	<ul style="list-style-type: none"> • Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 	N/A	

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HQS-9 HQS QC Inspections	<u>Regulatory Authority</u> § 982.405(b)	<ul style="list-style-type: none"> Provides for a suspension of the requirement for QC sampling inspections Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. 	<ul style="list-style-type: none"> 10/31/20 	Yes	4-10-20
HQS--10 HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments Requires family to obtain independent professional inspection 	<ul style="list-style-type: none"> Remains in effect one year from lease term or date of notice, whichever is longer 7/31/20 	NO	
HQS-11 Homeownership HQS	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> Waives the requirement to adopt revisions to the admin plan Waives the requirement for an oral briefing Provides for alternative methods to conduct required voucher briefing 	<ul style="list-style-type: none"> 7/31/20 	N/A	
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	<ul style="list-style-type: none"> Waives the requirement to adopt revisions to the admin plan 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
HCV-2 PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	<ul style="list-style-type: none"> Waives the requirement for an oral briefing Provides for alternative methods to conduct required voucher briefing 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20

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HCV-3 Term of Voucher - Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
HCV-4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> Provides for HAP payments for contracts not executed within 60 days PHA must not pay HAP to owner until HAP contract is executed 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
HCV-5 Absence from unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> Allows for PHA discretion on absences from units longer than 180 days PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days 	<ul style="list-style-type: none"> 12/31/20 	NO	
HCV-6 Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. 	<ul style="list-style-type: none"> 12/31/20 	Yes	4-10-20

(Zero HAP Families)

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HCV-7 Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination to do so. 	<ul style="list-style-type: none"> 12/31/20 	Yes	5-1-20
HCV-8 Utility Allowance Schedule	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 	Yes	4-10-20
HCV-9 Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d)	<ul style="list-style-type: none"> Waives the requirement for the family to obtain pre-assistance counseling 	<ul style="list-style-type: none"> 7/31/20 	N/A	
HCV-10 FUP	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up 	<ul style="list-style-type: none"> 12/31/20 	N/A	
PH-1 Fiscal closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b)	<ul style="list-style-type: none"> Extension of deadlines for ADCC and AMCC 	Varies by PHA	Yes	4-10-20
PH-2 Total	<u>Regulatory Authority</u> § 905.314(c)	<ul style="list-style-type: none"> Waives the TDC and HCC limits permitting 	Applies to development	NO	

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Development Costs		approval of amounts in excess of published TDC by 25% to 50% on a case by case basis	proposals submitted to HUD no later than December 31, 2021		
PH-3 Cost limitations	<u>Regulatory Authority § 905.314(j)</u>	<ul style="list-style-type: none"> Allows for the use of force account labor for modernization activities in certain circumstances 	<ul style="list-style-type: none"> 12/31/20 	None	
PH-4 ACOP	<u>Regulatory Authority § 960.202(c)(1)</u>	<ul style="list-style-type: none"> Changes to approval process for ACOP 	<ul style="list-style-type: none"> 7/31/20 	Yes	4-10-20
PH-5 CSSR	<u>Statutory Authority Section 12(c)</u> <u>Regulatory Authority § 960.603(a) and 960.603(b)</u>	<ul style="list-style-type: none"> Temporarily suspends CSSR 	<ul style="list-style-type: none"> 3/31/21 	Yes	4-10-20
PH-6 Energy Audits	<u>Regulatory Authority § 965.302</u>	<ul style="list-style-type: none"> Allows for delay in due dates of energy audits 	One year beyond 2020 audit deadline	Yes	4-10-20
PH-7 Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490	<ul style="list-style-type: none"> Changes to timeframes for determination of over-income 	<ul style="list-style-type: none"> 12/31/20 	Yes	4-10-20

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	Notice: Notice PIH 2019-11				
PH-8 Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	<ul style="list-style-type: none"> Provides for delay in resident council elections 	<ul style="list-style-type: none"> 7/31/20 <i>elections done in 2019 - 2 year term</i>	<i>No</i>	
PH-9 Utility Allowance	<u>Regulatory Authority</u> § 965.507	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 	<i>Yes</i>	<i>4-10-20</i>
PH-10 Tenant notifications	<u>Regulatory Authority</u> § 966.5	<ul style="list-style-type: none"> Advance notice not required except for policies related to tenant charges 	<ul style="list-style-type: none"> 7/31/20 	<i>Yes</i>	<i>4-10-20</i>
11a PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	<ul style="list-style-type: none"> Allows for alternatives related to inspections PHA to retain prior year PHAS score unless requests otherwise 	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	<ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise 	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11c Financial reporting	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> Allows for extensions of financial reporting deadlines 	Varies by PHA FYE <i>audit due 3/31/21</i>	<i>Yes</i>	<i>4-10-20</i>

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12a Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	<ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action 	<ul style="list-style-type: none"> • 12/31/20 	Yes	4-10-20
12b Designated housing plan	<u>Statutory Authority</u> Section 7(e)(1)	<ul style="list-style-type: none"> • Allows for HUD to delay notification about designated housing plan 	<ul style="list-style-type: none"> • 7/31/20 	N/A	N/A
12c Deadline for reporting Operating and Capital Fund expenditures	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	<ul style="list-style-type: none"> • Provides a one-year extension 	One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc	Yes	4-10-20

Attachment: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

COVID-19 Statutory and Regulatory Waivers for ONAP programs								
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary						
13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements	Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218;1000.220; 1000.224; 1000.226; 1000.228;1000.230; and 1000.232	<p>1) <i>Abbreviated IHP to Receive IHBG-CARES Grant Funding:</i> Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.</p> <p>2) <i>Recipients that did Not Submit an IHP in FY2020:</i> A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.</p> <p>3) <i>IHP Certifications:</i> IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.</p> <p>4) <i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.</p>						
13b. IHP Submission Deadline for Annual IHBG Formula Grants	Statutory Authority: Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225	<table border="1"> <thead> <tr> <th>Org. IHP Due Date</th> <th>Extension</th> </tr> </thead> <tbody> <tr> <td>1/17/2020</td> <td>10/16/2020</td> </tr> <tr> <td>4/17/2020</td> <td>10/16/2020</td> </tr> </tbody> </table>	Org. IHP Due Date	Extension	1/17/2020	10/16/2020	4/17/2020	10/16/2020
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4/17/2020	10/16/2020							
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	<table border="1"> <thead> <tr> <th>Org. APR Due Date</th> <th>Extension</th> </tr> </thead> <tbody> <tr> <td>3/30/2020</td> <td>6/28/2020</td> </tr> <tr> <td>6/29/2020</td> <td>9/27/2020</td> </tr> </tbody> </table>	Org. APR Due Date	Extension	3/30/2020	6/28/2020	6/29/2020	9/27/2020
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