

PLYMOUTH HOUSING AND REDEVELOPMENT AUTHORITY STAFF REPORT

TO: Plymouth Housing and Redevelopment Authority

FROM: Denise Whalen, Support Services Manager through Steve Juetten,
Executive Director

MEETING DATE: May 28, 2020

SUBJECT: COVID-19 STATUTORY AND REGULATORY WAIVERS FOR
HOUSING CHOICE VOUCHER PROGRAM

BACKGROUND:

On April 10, 2020, Notice PIH 2020-5 was published by Housing and Urban Development (HUD) relating to COVID-19 Statutory and Regulatory Waivers. The purpose of the notice is to provide administrative flexibility and relief to housing agencies by allowing the use of waivers in response to the COVID-19 national emergency.

Per Notice PIH 2020-05 HUD made the waivers and alternative requirement effective immediately for those housing authorities that elect to adopt them. The use of the waivers is at the discretion of the individual housing authority and may choose to apply all, some, or none of the waivers for the Housing Choice Voucher (HCV) program.

Housing authorities are required to keep written documentation that record which waiver the housing authority applied to their program and the effective date. The housing authority does not need to notify HUD or receive HUD approval to begin utilizing the waivers; however recommends board approval before July, 2020. Housing authorities are not required to keep the waivers in place for the full period of availability but may at any time choose to revert to regular program requirements and operations.

PROPOSED WAIVERS:

Housing authorities are required to use the Enterprise Income Verification (EIV) System for verification of family income at annual examination and interims. HUD is now allowing housing authorities to waive this requirement. Staff will continue to use the EIV System whenever possible, but would need the flexibility for clients to be able to self-certify when there is no other

choice available. Waivers PH and HCV-3 Annual and PH and HCV-4 Interim reexaminations will allow staff the flexibility to accept self-certifications when necessary.

Waiver HCV-2 PHA Oral Briefing allows housing authorities to conduct briefings for a wait list applicant by other means. Staff will mail a briefing packet and will call the family to go over the packet information.

Waiver HCV-3 allows the housing authority to extend an initial voucher one or more times as needed without formally amending the administrative plan.

Waiver HCV-5 Absence from unit allows housing authorities to continue housing assistance payments and not terminate due to extenuative circumstances.

Staff has included the Waiver Attachment. The full Notice PIH 2020-05 can be found at https://www.hud.gov/program_offices/public_indian_housing/publications/notices.

RECOMMENDATION:

Staff recommends the Housing and Redevelopment Authority Commission approve Waivers PH and HCV-3 Annual; PH and HCV-4 Interim reexaminations; HCV-2 PHA Oral Briefing; HCV-3 Term of Voucher Extensions of Term; and, HCV-5 Absence from unit as listed in Notice PIH 2020-05 effective as of April 10, 2020 through the applicable period end or extension thereof.

ATTACHMENTS:

1. Notice PIH 2020-05 - Waiver Attachment
2. HRA Resolution 2020-04

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) <u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21	- Alternative dates for submission - Changes to significant amendment process	- Varies based on FYE 7/31/20		
PH and HCV-2 Family income and composition – delayed annual reevaluations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)	- Permits the PHA to delay the annual reevaluation of income and family composition - HCV PHAs must implement HCV-7 for impacted families if they implement this waiver	12/31/20		
PH and HCV-3 Annual	<u>Regulatory Authority</u> § 5.233(a)(2)	Waives the requirements to use the income	7/31/20	Yes	4/10/20

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reexamination Income Verification	Sub-regulatory Guidance PIH Notice 2018-18	hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification • 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	• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations	• 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>	• Waives the mandatory EIV monitoring requirements.	• 7/31/20		

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PH and HCV-6 FSS Contract of Participation	PIH Notice 2018-18 <u>Regulatory Authority</u> § 984.303(d)	Provides for extensions to FSS contract of participation	12/31/20		
PH and HCV-7 Waiting List	<u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34	- Waives public notice requirements for opening and closing waiting list - Requires alternative process	7/31/20		
HQS-1 Initial inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C) <u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405	- 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.	7/31/20 10/31/20		
HQS-2: <u>PBV</u> <u>Pre-HAP</u> <u>Contract</u> <u>Inspections.</u> <u>PHA acceptance</u> <u>of completed</u> <u>units</u>	<u>Statutory Authority:</u> Section 8(o)(8)(A) <u>Regulatory Authority:</u> §§ 983.301(b), 983.156(a)(1)	- 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.	7/31/20 10/31/20		

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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	Allows for extension of up to 30 days for owner repairs of non-life threatening conditions	7/31/20		
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	- 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.	7/31/20 10/31/20		
HQS-5 Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	- Allows for delay in biennial inspections - All delayed biennial inspections must be completed as soon as reasonably possible but	10/31/20		

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		by no later than October 31, 2020.			
HQS-6 Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F) <u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)	• Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods	• 7/31/20		
HQS-7 PBV Turnover Inspections	<u>Regulatory Authority</u> § 983.103(c)	• Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection	• 7/31/20 • 10/31/20		
HQS-8: <u>PBV</u> <u>HAP Contract –</u> <u>HQS</u> <u>Inspections to</u> <u>Add or</u> <u>Substitute Units</u>	<u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)	• 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	• 7/31/20 • 10/31/20		

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HQS-9 HQS QC Inspections	<u>Regulatory Authority</u> § 982.405(b)	Provides for a suspension of the requirement for QC sampling inspections	10/31/20		
HQS--10 HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.	Remains in effect one year from lease term or date of notice, whichever is longer		
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)	- Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments - Requires family to obtain independent professional inspection	7/31/20		
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	Waives the requirement to adopt revisions to the admin plan	7/31/20		
HCV-2 PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	- Waives the requirement for an oral briefing - Provides for alternative methods to conduct required voucher briefing	7/31/20	Yes	4/10/20

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HCV-3 Term of Voucher - Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	Allows PHAs to provide voucher extensions regardless of current PHA policy	7/31/20	Yes	4/10/20
HCV-4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	- Provides for HAP payments for contracts not executed within 60 days - PHA must not pay HAP to owner until HAP contract is executed	7/31/20		
HCV-5 Absence from unit	<u>Regulatory Authority</u> § 982.312	- 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	12/31/20	Yes	4/10/20
HCV-6 Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.	12/31/20		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HCV-7 Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	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.	12/31/20		
HCV-8 Utility Allowance Schedule	<u>Regulatory Authority</u> § 982.517	Provides for delay in updating utility allowance schedule	12/31/20		
HCV-9 Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d)	Waives the requirement for the family to obtain pre-assistance counseling	7/31/20		
HCV-10 FUP	<u>Statutory Authority</u> Section 8(x)(2)	Allows PHAs to increase age to 26 for foster youth initial lease up	12/31/20		
PH-1 Fiscal closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b)	Extension of deadlines for ADCC and AMCC	Varies by PHA		
PH-2 Total	<u>Regulatory Authority</u> § 905.314(c)	Waives the TDC and HCC limits permitting	Applies to development		

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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</u> § 905.314(j)	Allows for the use of force account labor for modernization activities in certain circumstances	12/31/20		
PH-4 ACOP	<u>Regulatory Authority</u> § 960.202(c)(1)	Changes to approval process for ACOP	7/31/20		
PH-5 CSSR	<u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> § 960.603(a) and 960.603(b)	Temporarily suspends CSSR	3/31/21		
PH-6 Energy Audits	<u>Regulatory Authority</u> § 965.302	Allows for delay in due dates of energy audits	One year beyond 2020 audit deadline		
PH-7 Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490	Changes to timeframes for determination of over-income	12/31/20		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	Notice: Notice PIH 2019-11				
PH-8 Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	Provides for delay in resident council elections	7/31/20		
PH-9 Utility Allowance	<u>Regulatory Authority</u> § 965.507	Provides for delay in updating utility allowance schedule	12/31/20		
PH-10 Tenant notifications	<u>Regulatory Authority</u> § 966.5	Advance notice not required except for policies related to tenant charges	7/31/20		
11a PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	- 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	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)	Allows for extensions of financial reporting deadlines	Varies by PHA FYE		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
12a Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	• Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action	• 12/31/20		
12b Designated housing plan	<u>Statutory Authority</u> Section 7(e)(1)	• Allows for HUD to delay notification about designated housing plan	• 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)	• 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		

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	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.							
		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.							
		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.							
		4) <i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.							
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	IHP Submission Deadlines Extended	<table><tr><th>Org. IHP Due Date</th><th>Extension</th></tr><tr><td>1/17/2020</td><td>10/16/2020</td></tr><tr><td>4/17/2020</td><td>10/16/2020</td></tr></table>	Org. IHP Due Date	Extension	1/17/2020	10/16/2020	4/17/2020	10/16/2020
Org. IHP Due Date	Extension								
1/17/2020	10/16/2020								
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	APR Submission Deadlines Extended	<table><tr><th>Org. APR Due Date</th><th>Extension</th></tr><tr><td>3/30/2020</td><td>6/28/2020</td></tr><tr><td>6/29/2020</td><td>9/27/2020</td></tr></table>	Org. APR Due Date	Extension	3/30/2020	6/28/2020	6/29/2020	9/27/2020
Org. APR Due Date	Extension								
3/30/2020	6/28/2020								
6/29/2020	9/27/2020								

13d. Income Verification	Regulatory Authority: 24 CFR § 1000.128	IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email.
13e. Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-CARES funding to carry out a wide range of public health services.
13f. COVID-19-related Assistance to Non-Low Income and Non-Native Families	Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, 1000.318	Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status.
13g. Useful Life	Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147	If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life.
13h. Total Development Cost (TDC) Limits	Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162	Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.
13i. Prohibition Against Investment of CARES Act Grant Funds	Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58	Recipients are prohibited from investing any IHBG funding provided under the CARES Act.
14a. Citizen Participation	Statutory Authority: Section 104 of the Housing and	

	Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604	Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. .
14b. Application Process for ICDBG-CARES Grants and Funding Criteria Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY19/20 ICDBG Notice of Funding Availability (NOFA)		1) <i>Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed. 2) <i>Grant Ceilings:</i> Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future. 3) <i>Reimbursement of Costs and Letter to Proceed:</i> ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP. 4) <i>Availability of Funds:</i> If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs.
14c. Removal of Public Services 15% Cap under FY 2020 ICDBG Grants	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA	HUD is eliminating the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act.
14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)	ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.

14e. Purchase of Equipment	Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii)	Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the COVID-19.
14f. Operating Expenses for Public Facilities	Regulatory Authority: 24 CFR § 1003.207(b)(2)	Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.
14g. New Housing Construction by Tribes	Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)	ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.

CITY OF PLYMOUTH

HRA RESOLUTION 2020-04

**A RESOLUTION TO APPROVE WAVIERS PER HUD NOTICE PIH 2020-05 ON BEHALF OF
THE PLYMOUTH HOUSING AND REDEVELOPMENT AUTHORITY (HRA)**

WHEREAS, Housing and Urban Development (HUD) published Notice PIH 2020-05 on April 10, 2020; and,

WHEREAS, Notice PIH 2020-05 allows housing authorities to utilize any and all waivers to keep the Housing Choice Voucher program operational during the COVID-19 pandemic; and,

WHEREAS, the Plymouth HRA in and for the City of Plymouth, Minnesota operates a Housing Choice Voucher program; and,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF PLYMOUTH, MINNESOTA, that Notice PIH 2020-05 was reviewed by staff for such waivers that would allow more flexibility during the pandemic; and,

FURTHER, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF PLYMOUTH, MINNESOTA, approve Waivers PH and HCV-3 Annual; PH and HCV-4 Interim reexaminations; HCV-2 PHA Oral Briefing; HCV-3 Term of Voucher Extensions of Term; and, HCV-5 Absence from unit as listed in Notice PIH 2020-05 effective as of April 10, 2020 through the applicable period end or extension thereof.

Approved this 28th day of May 2020 by the Housing and Redevelopment Authority in and for the City of Plymouth, Minnesota.