

HUD Notice PIH 2020-05

General Parameters

HUD strongly encourages PHAs, Indian tribes, and TDHEs to continue using available funding to house families, keep families in their homes, and conduct critical operations that can be done remotely and safely.¹

Waivers

- HUD has not provided waiver authority that would allow tenants of Public Housing and HCV programs to stop paying their portion of the rent as determined by the PHA. PHAs need to expeditiously perform income reexaminations if a household experiences a loss of income.
- All waivers and alternative requirements listed in the notice are effective immediately for PHAs that elect to adopt them. PHAs may adopt the use of these waivers at any time during the period of availability.
- A PHA may choose to apply all, some, or none of the waivers to their Public Housing and HCV programs at the discretion of the PHA. A PHA does not need to notify HUD or receive HUD approval to begin utilizing waivers in this notice.
- For waivers not covered in this notice, PHAs may not implement those waivers until HUD approves a request.
- If the PHA adopts a waiver with an alternative requirement, the PHA must comply with all the terms and conditions of the alternative requirement.
- PHAs are required to keep written documentation that record which waivers the PHA applied to their programs(s) and the effective dates (table below is HUD's sample documentation form).

Communication about Waiver Use

- If a PHA chooses to apply any of the waivers provided for in this notice, the PHA is required to notify Residents and owners of any impacts that the waiver and alternative requirement (where applicable) may have on them by whatever means it considers most effective as soon as practicable. For example, a PHA may initially provide this notification by placing information on its website and as a voice-mail message and following up with more formal written notice as circumstances allow.
- All materials, notices, and communications to families regarding the use of the waiver authorities must be clearly communicated and provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA).
- PHAs must also continue to take reasonable steps to ensure meaningful access to their programs and activities to Limited English Proficient (LEP) individuals.

¹ Critical operations include, but are not limited to: 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.

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

If a Resident or Participant has a review due, Home Forward will work to complete it on the regular schedule. If there is a COVID-related reason that isn't possible, the review may be delayed.

Statutory and Regulatory Waivers

Statutory Authority

Section 3(a)(1)

Regulatory Authority

§ 982.516(a)(1)

§ 960.257(a)

Description of Current Requirements

PHAs are required to conduct a reexamination of family income and composition at least annually.

Summary of Alternative Requirements

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.

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance will continue current practices and work to complete reexaminations on regular schedule. If the Rent Assistance Services Coordinator is unable to complete annual on time, due to impact of COVID, RASC will discuss with supervisor. If delayed reexamination is necessary, supervisor will check to see if update to Payment Standard is required prior to effective date of annual. RA will use standard Memo for tenant records where this waiver is used.

Date of PH Adoption

4/14/2020

PH and HCV-3 Annual Re-examination Income Verification

If residents and participants have a regular re-examination due and they are unable to collect third-party documentation of income, Home Forward may use self-certification of income in its place.

Statutory and Regulatory Waivers

Regulatory Authority

§ 5.233(a)(2)

Sub-regulatory Guidance

PIH Notice 2018-18

Description of Current Requirements

PHAs are required to use the Enterprise Income Verification (EIV) System for verification of family income at the annual examination.

Summary of Alternative Requirements

Waives the requirements to use the income 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

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance and Public Housing will continue current practices and will attempt to collect third party documentation. If it is not feasible to collect third-party documentation, Home Forward will use this waiver allowing self-certification. Both will continue to use Hardship interims where households expect unemployment income, but documentation of unemployment isn't available at time of processing. Both will use standard memo for tenant records where this waiver is used.

Date of PH Adoption

4/14/2020

PH and HCV-4: Interim Re-examinations

If residents and participants want to process an interim (such as income decrease) and they are unable to collect third-party documentation of income, Home Forward may use self-certification of income in its place.

Statutory and Regulatory Waivers

Statutory Authority

Section 3(a)(1)

Regulatory Authority

§ 5.233(a)(2)

982.516(c)(2)

960.257(b) and (d)

Sub-regulatory Guidance

PIH Notice 2018-18

Description of Current Requirements

PHAs are required to use EIV for verification of family income at interim reexamination.

Summary of Alternative Requirements

Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations. PHAs may consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone (with a contemporaneous written record by the PHA staff person), through an email with a self-certification form by the family, or through other electronic communications.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance and Public Housing will continue current practices and will attempt to collect third party documentation. Both will use this waiver if necessary. Both will continue to use Hardship interims where households expect unemployment income, but documentation of unemployment isn't available at time of processing. Both will use standard Memo for tenant records where this waiver is used.

Date of PH Adoption

4/14/2020

PH and HCV-5: EIV System Monitoring

This waiver has no effect on Resident or Participant experience.

Statutory and Regulatory Waivers

Regulatory Authority

§ 5.233

Sub-regulatory Guidance

PIH Notice 2018-18

Description of Current Requirements

PHAs are required to monitor EIV reports (e.g., deceased tenant report).

Summary of Alternative Requirements

Waives the mandatory EIV monitoring requirements.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will continue to work on EIV reports and follow up on regular schedule. Waiver will provide flexibility if COVID impacts reduce ability to resolve discrepancies in a timely manner.

Date of PH Adoption

4/14/2020

PH and HCV-6: FSS Contract of Participation

If a family in the GOALS program has a COVID-related hardship that affects their participation, they will be able to stay in the program for up to two more years.

Statutory and Regulatory Waivers

Regulatory Authority

§ 984.303(d)

Description of Current Requirements

PHAs are allowed to extend a family's contract of participation for a period not to exceed two years upon a finding of good cause.

Summary of Alternative Requirements

Determines circumstances surrounding COVID-19 qualify as "good cause" to extend family contracts for FSS contract of participation.

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Categorized COVID-19 hardship as "good cause".

Date of PH Adoption

4/14/2020

HQS-1: Initial Inspection

Home Forward will generally not send inspectors for physical inspections to occupied units. If a Participant is already living in a unit when an initial inspection is due, the Landlord will self-certify that the apartment meets to acceptable standard. After the emergency, a physical inspection will take place.

Statutory and Regulatory Waivers

Statutory Authority

Section 8(o)(8)(A)(i)

Section 8(o)(8)(C)

Regulatory Authority

§ 982.305(a)

982.305(b)

982.405

Description of Current Requirements

PHA must inspect the unit before any assistance payment is made to determine whether the unit meets HQS.

Summary of Alternative Requirements

Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies.

Availability Period Ends

7/31/2020

10/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance will continue to do initial inspections in vacant units. They will use this waiver for initial inspections in occupied units. Home Forward has created a certification form for Landlords and use an existing Inspections tracking system.

Date of PH Adoption

4/14/2020

HQS-5: Biennial Inspection

Scheduled inspections may be postponed.

Statutory and Regulatory Waivers

Statutory Authority

8(o)(8)(D)

Regulatory Authority

§§ 982.405(a)

983.103(d)

Description of Current Requirements

PHA required to inspect the unit at least biennially during the term of the HAP contract.

Summary of Alternative Requirements

Allows for delay in biennial inspections. All delayed biennial inspections must be completed as soon as reasonably possible but by no later than October 31, 2020.

Availability Period Ends

Deadline for Waiver use and PHA Inspection: 10/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Scheduled biennial inspections may be postponed until no later than October 31, 2020.

Date of PH Adoption

4/14/2020

HQS-6: Interim Inspections

Home Forward will generally not send inspectors for physical inspections to occupied units. Landlords may use a form to self-certify that repairs have been completed.

Statutory and Regulatory Waivers

Statutory Authority

8(o)(8)(F)

Regulatory Authority

§§ 982.405(g)

§983.103(e)

Description of Current Requirements

PHA must inspect unit within 24 hours of receiving notice that unit doesn't meet HQS if the condition is life-threatening.

Summary of Alternative Requirements

Waives the requirement for the PHA to conduct interim inspection and requires alternative method. Allows for repairs to be verified by alternative methods.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will use alternative methods to conduct interim inspections and will allow landlords to self-certify all repairs have been made.

Date of PH Adoption

4/14/2020

HQS-7: PBV Turnover Inspections

Home Forward will generally not send inspectors for physical inspections to occupied units. Landlords can self-certify that units meet acceptable standards. After the emergency ends, a physical inspection will take place.

Statutory and Regulatory Waivers

Regulatory Authority

§983.103(c)

Description of Current Requirements

Before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit.

Summary of Alternative Requirements

Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies. Allows for delayed full HQS inspection.

Availability Period Ends

Waiver deadline; 7/31/20

Inspection deadline: 10/31/20

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance will continue to do initial inspections in vacant units, but will use this waiver if inspection is required in an occupied unit.

Date of PH Adoption

4/14/2020

HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units

Home Forward will generally not send inspectors for physical inspections to occupied units. Landlords can self-certify that units meet acceptable standards. After the emergency ends, a physical inspection will take place.

Statutory and Regulatory Waivers

Statutory Authority

8(o)(8)(A)

Regulatory Authority

§§ 983.207(a)

983.207(b)

Description of Current Requirements

PHA must inspect proposed substitute PBV unit to determine that the unit meets HQS before it may be added to the HAP contract.

Summary of Alternative Requirements

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.

Availability Period Ends

Waiver deadline: 7/31/20

Inspection deadline: 10/31/20

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance will continue to do inspections in vacant units, but will use this waiver if an inspection is required in an occupied unit.

Date of PH Adoption

4/14/2020

HQS-9: HQS QC Inspections

Home Forward will not send inspectors for physical inspections to occupied units.

Statutory and Regulatory Waivers

[Regulatory Authority](#)

§ 982.405(b)

Description of Current Requirements

PHA required to conduct supervisory quality control inspections of a sampling of units under contract.

Summary of Alternative Requirements

Provides for a suspension of the requirement for QC sampling inspections.

Availability Period Ends

10/31/20

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will suspend the requirement for QC sampling inspections during the waiver period.

Date of PH Adoption

4/14/2020

HQS-10: Space and Security

Home Forward will not require that the Resident or Participant transfer to a different size unit, if there are more than the allowable number of people living in a unit for the size of the unit.

Statutory and Regulatory Waivers

Regulatory Authority

§ 982.401(d)

Description of Current Requirements

There is a minimum space standard for HCV and PBV -assisted family. Each dwelling unit have at least one bedroom or living/sleeping room for each 2 persons.

Summary of Alternative Requirements

Waives the requirement that each dwelling unit have at least one bedroom or living/sleeping room for each two persons for people with existing leases.

Availability Period Ends

Remains in effect one year from lease term or date of notice, whichever is longer.

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will waive the requirement that each dwelling unit have at least one bedroom or living/sleeping room for each two persons for people with existing leases.

Date of PH Adoption

4/14/2020

HCV-1: Administrative Plan

Usually, if Home Forward were to make a significant change to the Administrative Plan, they would have to present the change to the Board of Commissioners at a public meeting. With this waiver, we can make emergency changes without going through that process.

Statutory and Regulatory Waivers

Regulatory Authority

§ 982.54(a)

Description of Current Requirements

Any revisions of the PHA's administrative plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials.

Summary of Alternative Requirements

Waives the requirement to adopt revisions to the admin plan

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will make emergency policy changes if necessary.

Date of PH Adoption

4/14/2020

HCV-2: PHA Oral Briefing

Home Forward will not have in-person, group briefings for new Housing Choice Voucher Participants. Instead, the briefing will be held by phone or other electronic medium and Participants will receive the materials to review independently.

Statutory and Regulatory Waivers

Regulatory Authority

§ 982.301(a)(3)

§ 983.252(a)

Description of Current Requirements

PHA must give the family an oral briefing PHA when selected to participate in either the HCV or PBV program.

Summary of Alternative Requirements

Waives the requirement for an oral briefing. Provides for alternative methods to conduct required voucher briefing

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Rent Assistance will continue to use phone briefings. Participants will also get a full briefing packet and PowerPoint slides. The Education Team will reduce the amount of information covered in the phone briefings to include:

- 1) Which forms must be returned
- 2) Which forms to give to Landlord
- 3) Review of max rent calculation sheet
- 4) Time for questions

Date of PH Adoption

4/14/2020

HCV-3: Term of Voucher - Extensions of Term

If Participants are unable to find a unit in which to use their new voucher within 120 days, they will continue to get extensions to use it.

Statutory and Regulatory Waivers

Regulatory Authority

§ 982.303(b)(1)

Description of Current Requirements

PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan.

Summary of Alternative Requirements

Allows PHAs to provide voucher extensions regardless of current PHA policy.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will provide voucher extensions regardless of current policy.

Date of PH Adoption

4/14/2020

HCV-4: PHA Approval of Assisted Tenancy

Home Forward may execute HAP contracts that go beyond the 60 day period. We will work with landlords to have contract signed as quickly as possible.

Statutory and Regulatory Waivers

Regulatory Authority

§ 982.305(c)

Description of Current Requirements

Any HAP contract executed after the 60-day period is void and the PHA may not pay any housing assistance payments to the owner.

Summary of Alternative Requirements

Provides for HAP payments for contracts not executed within 60 days. PHA must not pay HAP to owner until HAP contract is executed.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will expedite getting contract signed by owner and will not make any such payment until HAP contract is executed.

Date of PH Adoption

4/14/2020

HCV-5: Absence from Unit

Until 12/31/2020, being absent from a unit for longer than 180 days in a row will not automatically be considered a program violation.

Statutory and Regulatory Waivers

[Regulatory Authority](#)

§ 982.312

Description of Current Requirements

Family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason.

Summary of Alternative Requirements

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.

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will use discretion on absences from units longer than 180 days but will not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days.

Date of PH Adoption

4/14/2020

HCV-6: Automatic Termination of the HAP Contract

Until 12/31/2020, Home Forward will not automatically terminate assistance after 180 days of paying zero subsidy.

Statutory and Regulatory Waivers

[Regulatory Authority](#)

§ 982.455

Description of Current Requirements

PHAs are required to automatically terminate HAP contracts 180 days after the last housing assistance payment to the owner.

Summary of Alternative Requirements

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward may extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.

Date of PH Adoption

4/14/2020

HCV-10: FUP

Currently, Home Forward can only serve foster youth who are 24 or younger with a FUP voucher. With this waiver, foster youth who are 26 or younger are eligible for FUP vouchers.

Statutory and Regulatory Waivers

Statutory Authority

Section 8(x)(2)

Description of Current Requirements

FUP youth must be not more than 24 years of age (not yet reached their 25th birthday) to be eligible to be placed under HAP contract.

Summary of Alternative Requirements

Allows PHAs to increase age to 26 for foster youth initial lease-up.

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

FUP youth must be not more than 26 years of age (not yet reached their 27th birthday) to be eligible to be placed under HAP contract.

Date of PH Adoption

4/14/2020

PH-1: Fiscal Closeout of Capital Grant Funds

This waiver has no effect on Resident or Participant experience.

Statutory and Regulatory Waivers

Regulatory Authority

§ 905.322(b)

Description of Current Requirements

The ADCC must be submitted 12 months from the date of completion or HUD termination of a development activity, and the AMCC must be submitted not later than 12 months from the activity's expenditure deadline.

Summary of Alternative Requirements

Extension of deadlines for ADCC and AMCC by 6 months.

Availability Period Ends

Applies to ADCC and AMCC forms due between March 1 and September 30, 2020.

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward may extend the deadlines for ADCC and AMCC by 6 months.

Date of PH Adoption

4/14/2020

PH-4: ACOP

Usually, if Home Forward were to make a significant change to policy, they would have to present the change to the Board of Commissioners. With this waiver, we can make emergency changes without going through that process.

Statutory and Regulatory Waivers

Regulatory Authority

§ 960.202(c)(1)

Description of Current Requirements

PHA policies in the ACOP must be duly adopted and implemented.

Summary of Alternative Requirements

PHAs permitted to adopt and implement changes to the ACOP on an expedited basis, without formal board approval.

Availability Period Ends

7/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

Home Forward will make emergency policy changes if necessary.

Date of PH Adoption

4/14/2020

11c: Financial Reporting

This waiver has no effect on Resident or Participant experience.

Statutory and Regulatory Waivers

Regulatory Authority

§§ 5.801(c), 5.801(d)(1)

Description of Current Requirements

PHAs required to submit financial information within 60 days of the end of each fiscal year. PHAs required to submit their unaudited financial statements within 60 days of the end of each fiscal year, and that PHAs submit their audited financial statements not later than 9 months after the end of their fiscal year.

Summary of Alternative Requirements

Allows for extensions of financial reporting deadlines.

Availability Period Ends

New Due Date: 3/31/2021

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

We will submit our audited financial statements no later than 3/31/21.

Date of PH Adoption

4/14/2020

12a: Form HUD 50058

This waiver has no effect on Resident or Participant experience.

Statutory and Regulatory Waivers

Statutory Authority

§908

§ 982.158

Sub-regulatory Guidance

PHI Notice 2011-65

Description of Current Requirements

PHAs must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW.

Summary of Alternative Requirements

Waives the requirement to submit 50058 within 60 days. Alternative requirement to submit within 90 days of the effective date of action

Availability Period Ends

12/31/2020

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

PHAs must submit form HUD-50058 no later than 90 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW.

Date of PH Adoption

4/14/2020

12c: Deadline for Reporting Operating and Capital Fund Expenditures

This waiver has no effect on Resident or Participant experience.

Statutory and Regulatory Waivers

Statutory Authority

Section 9(j)

Regulatory Authority

§ 905.306(d)(5)

Description of Current Requirements

PHAs required to obligate and expend Capital Funds within certain timeframes.

Summary of Alternative Requirements

Provides a one-year extension.

Availability Period Ends

How Does Home Forward Plan to Implement Waiver and Alternative Requirement

We will use the one year extension to obligate and expend Capital Funds.

Date of PH Adoption

4/14/2020