



HOUSING AUTHORITY

OF THE COUNTY OF KERN

Creating brighter futures...one home, one family at a time

To: All Staff

From: Heather Kimmel, Assistant Executive Director

Date: December 14, 2020

Re: **Procedural Memorandum 2020-08** – COVID-19 Related Waivers Updated. This notice supersedes Procedural Memorandum 2020-02, 2020-05, and 2020-06. Updates are noted in red throughout the document.

Housing Choice Voucher and Low-Income Public Housing Programs (*PIH 2020-13*)

Must keep written documentation that record which waivers the PHA applied to their programs and the effective dates. Must notify residents and owners of any impacts that the waiver and alternative requirements may have on them by whatever means it considers most effective as soon as practicable. Place information on website, as a voice-mail message, and follow up with formal written notices (e-mails).

Item	Statutory and regulatory waivers	Summary of alternative requirements	Date of adoption	Date waiver ends
PH and HCV-3 Annual reexamination Income Verification	Sub-regulatory Guidance PIH Notice 2018-18	Will allow PHAs to consider self-certification as the highest form of income verification. This may occur over the telephone, through e-mail, or with a self-certification form. PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later.	4/20/20	6/30/2021

PH and HCV-4 Interim reexaminations	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	Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations. PHA may consider self-certification as the highest form of income verification. This may occur over the telephone, through e-mail, or with a self-certification form. PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later	4/20/20	6/30/2021
PH and HCV-6 FSS Contract of Participation	Regulatory Authority § 984.303(d)	Provides for extensions to FSS contract of participation as “good cause”	4/20/20	6/30/2021
HQS-1 Initial Inspection Requirements	Statutory Authority Section 8(o)(8)(A)(i), Section 8(o)(8)(C) Regulatory Authority §§ 982.305(a)	Allows for owner certification that there are no life-threatening deficiencies. Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner’s certification. This waiver will be applied only to units that are currently being assisted by another Housing Authority program and have had a comparable habitability inspection within the last 18 months	8/3/20	Accept until 6/30/2021, then must complete inspection by the 1-year anniversary of date of owner’s certification
HQS-3 Non-Life Threatening HQS - Initial Unit Approval	Statutory Authority Section 8(o)(8)(A)(ii) Regulatory Authority HOTMA HCV Federal Register Notice January 18, 2017	Allows for extension of up to 30 days for owner repairs of non-life-threatening conditions	4/20/20	6/30/2021
HQS-5 Biennial Inspections	Statutory Authority Section 8(o)(D) Regulatory Authority §§ 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 by no later than 1 year after the date on which the biennial inspection would have been required absent the waiver.	4/20/20	Must resume biennial inspections by 6/30/2021 and must conduct all delayed inspections no later than 12/31/2021

HQS-6 Interim Inspections	Statutory Authority Section 8(o)(8)(F) Regulatory Authority §§ 982.405(g), § 983.103(e)	Waives the requirement for the PHA to conduct interim inspection and requires alternative method. PHA must notify the owner of the deficiency. If life threatening owner has 24 hours to submit repairs or notification that deficiency doesn't exist. If non-life threatening, they have 30 days to do so. This waiver also allows for repairs to be verified by alternative methods.	4/20/20	6/30/2021
HQS-9 HQS QC Inspections	Regulatory Authority § 982.405(b)	Provides for a suspension of the requirement for QC sampling inspections	4/20/20	6/30/2021
HQS-10 HQS Space and Security	Regulatory Authority § 982.401(d)	Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. Only applies to current participants, not to new participants or transfer vouchers.	4/20/20	Remains in effect one year from lease term or date of notice, whichever is longer
HQS-11 Homeownership HQS	Statutory Authority Section 8(o)(8)(A)(i), Section 8(y)(3)(B) Regulatory Authority § 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	4/20/20	6/30/2021
HCV-1 Administrative Plan	Regulatory Authority § 982.54(a)	Policies may be adopted without prior board approval. Any provisions adopted informally must be adopted formally NLT December 31, 2021	7/2/20	3/31/2021
HCV-2 PHA Oral Briefing	Regulatory Authority § 982.301(a)(3) § 983.252(a)	Waives the requirement for an oral briefing. Provides for alternative methods to conduct required voucher briefing	4/20/20	6/30/2021
HCV-3 Term of Voucher Extensions of Term	Regulatory Authority § 982.303(b)(1)	Allows PHAs to provide voucher extensions regardless of current PHA policy	4/20/20	6/30/2021

HCV-4 PHA Approval of Assisted Tenancy	Regulatory Authority § 982.305(c)	Provides for HAP payments for contracts not executed within 60 days. PHA and owner must execute the contract within 120 days from the beginning of the lease term. PHA must not pay HAP to owner until HAP contract is executed	4/20/20	6/30/2021
HCV-5 Absence from unit	Regulatory Authority § 982.312	Allows for PHA discretion on absences from units longer than 180 days. PHAs must not make HAP payments beyond 6/30/2021 for units vacant more than 180 consecutive days.	4/20/20	6/30/2021
HCV-6 Automatic Termination of the HAP Contract	Regulatory Authority § 982.455	Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. PHA must give written notice to the owner and the family prior to extending the contract.	4/20/20	6/30/2021
HCV-9 Homeownership Counseling	Statutory Authority Section 8(y)(1)(D) Regulatory Authority § 982.630, 982.636(d)	Waives the requirement for the family to obtain pre-assistance counseling	4/20/20	6/30/2021
HCV-10 Family Unification Program	Section 8(x)(2) of the USHA of 1937	PHA may execute a HAP contract on behalf of any otherwise eligible FUP youth who has not yet reached their 26 th birthday	4/20/20	6/30/2021
HCV-11 Family Unification Program: Length of Assistance for Youth	Statutory Authority Section 8(x)(2)	Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020, and June 30, 2021	7/2/20	6/30/2021
HCV-12 Family Unification Program: Timeframe for Referral	Statutory Authority Section 8(x)(2)	Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days	7/2/20	6/30/2021

PH-1 Fiscal closeout of Capital Grant Funds	Regulatory Authority § 905.322(b)	Extension of deadlines for ADCC and AMCC	4/20/20	For ADCC and AMCC forms de between March 1 and September 30, 2020, the deadline for submission is extended by 6 months.
PH-4 ACOP: Adoption of Tenant Selection Policies	Regulatory Authority § 960.202(c)(1)	Establishes an alternative requirement that policies may be adopted without prior board approval. Any provisions adopted informally must be adopted formally no later than June 30, 2021	7/2/20	6/30/2021
PH-5 Community Service and Self-Sufficiency (CSSR)	Statutory Authority Section 12(c) Regulatory Authority § 960.603(a) and 960.603(b)	Temporarily suspends CSSR	4/20/20	6/30/2021
PH-10 Tenant notifications for changes to Project Rules and Regulations	Regulatory Authority § 966.5	Advance notice not required except for policies related to tenant charges	4/20/20	6/30/2021
PH-12 Public Housing Agency Annual Self-Inspections	Statutory Authority Section 6(f)(3) Regulatory Authority § 902.20(d)	Waives the requirement that the PHA must inspect each project	7/2/20	12/31/20
11a PHAS	Regulatory Authority 24 CFR Part 902	Allows for alternatives related to inspections. PHA to retain prior year PHAS score unless requests otherwise	4/20/20	HUD will resume issuing PHAS scores starting with PHAs with FYE date 6/30/2021
11b SEMAP	Regulatory Authority 24 CFR Part 985	PHA to retain prior year SEMAP score unless requests otherwise	4/20/20	HUD will resume issuing new SEMAP scores starting with PHAs with FYE date 6/30/2021

11b-1 SEMAP Field Office Confirmatory Review	Regulatory Authority § 985.105(d)	Allows the field office to perform a remote SEMAP confirmatory review instead of an on-site review.	12/10/20	6/30/2021
11b-2 SEMAP Certification Timing	Regulatory Authority § 985.101(a)	Waives the requirement for PHAs to submit an annual SEMAP certification in PIC within 60 days of FYE during the period of time that HUD will roll forward prior year SEMAP scores	12/10/20	6/30/2021
11c Financial reporting	Regulatory Authority §§ 5.801(c), 5.801(d)(1)	Allows for extensions of financial reporting deadlines	4/20/20	9/30/20
12c Deadline for reporting Operating and Capital Fund expenditures	Statutory Authority Section 9(j) Regulatory Authority § 905.306(d)(5)	Provides a one-year extension	4/20/20	One-Year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc
MS-1 Initial Lease Term	Regulatory Authority 24 CFR 982.309(a)(2)(ii)	The PHA may enter into an initial lease term of less than one year regardless of whether the shorter lease term is a prevailing market practice	12/10/20	6/30/2021
MS-2 Criminal Background Screening	Regulatory Authority 24 § CFR 5.856 §, 982.533(a)	PHA's may establish, as an alternative requirement, screening requirements for applicants for Mainstream vouchers which are distinct from those in place for its HCV program in general. At a minimum, PHAs must comply with the statutory requirements to determine if applicants are subject to a lifetime sex offender registration requirement and comply with the mandatory screening and denial requirement outlined in 42 U.S.C. 13661 and 982.553(a)	12/10/20	6/30/2021

MS-3 Mainstream Age Eligibility to Enter HAP Contract	Statutory Authority 42 U.S.C. 8013(k)(2)	The PHA may choose to expand the definition of an eligible non-elderly family member to include those who were issued a voucher prior to turning 62 and were not yet 63 on the effective date of the HAP Contract	12/10/20	6/30/2021
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Continuum of Care Program (*Availability of Waivers of CPD Grant Programs*)

Must provide notification in writing to HUD no less than two days before implementation.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Date of adoption	Date waiver ends
Fair Market Rents	24 CFR 578.49(b)(2)	FMR restriction is waived for any lease executed as long as the unit still meets the rent reasonable standards	4/5/20	9/31/20
Disability Documentation	24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)	May use self-certification of disability as verification instead of 3 rd party verification	4/5/20	9/31/20
Housing Search and Counseling Services	24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)	CoC program funds may be used for up to 6 months of utility and rental arrears when those arrears make it difficult to obtain housing.	4/5/20	3/31/21
HQS- Re-Inspection of units	24 CFR 578.75(b)(2)	The requirement of annual re-inspections is waived for one year	4/5/20	3/31/21
One-Year Lease Requirement	24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)	The one-year lease requirement is waived for six-months, so long as the initial lease term is for more than one month	4/5/20	9/31/20

USDA RD Program (USDA RD SA COVID)

Item	Statutory and regulatory waivers	Summary of alternative requirements	Date of adoption	Date waiver ends
Forbearance	7 CFR §3560.453	Allows Multifamily borrowers to request forbearance if they are experiencing financial hardship due to COVID-19. Can approve a deferral of up to 3 monthly loan payments	4/20/20	90 days
Tenant certifications	HB-3-3560, Chapter 4, Section 4.11	Certifications due March 31, April 30, and May 31 have been extended to June 30 with no late fees or overage charges	4/20/20	6/30/20

Tax Credit Program (Memo COVID 19-3 and IRS 2020-53)

Item	Statutory and regulatory waivers	Summary of alternative requirements	Date of adoption	Date waiver ends
Calculating Verification of Employment Unemployment – No Return to Work Option		When the tenant is laid off, collecting UIB, After 3 failed attempts of obtaining income (at least a week apart) management may calculate income based on 3 months of current and consecutive paystubs or for households that have recently started a job, the 75% paystub threshold must be used. Management must provide a clarification record that documentation was not received due to COVID-19 and has no return to work date obtain a negative VOE or a copy of the e-mail to the tenant from a valid business email account saying they have been terminated indefinitely. Then calculate UIB for 52 weeks. If they go back to work it would be treated as a job change after move in.	4/20/20	

Calculating Unemployment- With return to work option		Get verification for the last day of employment. Calculate UIB received for the period of time they will be out of work or through the current quarantine end date (put a copy of the document used to obtain that date in the file). Then calculate regular wages minus the period where they were laid off	4/20/20	
Calculating Unemployment- Benefits haven't started yet		Obtain verification of the last day worked then calculate the UIB received as the maximum amount of \$450 per week until you receive documentation that it is different.	4/20/20	
Electronic Signatures		TCAC will make a one-time exception to the "wet signature" rule and will allow electronic signatures through DocuSign only.	4/20/20	Until Shelter-in- Place is lifted
Income Recertifications		Annual income recertifications are not required for the period of April 1, 2020 through December 31, 2020. This applies to both 100% and Mixed Income Tax Credit Properties and includes the 1 st year recertification requirement. The owner must put a clarification record in the file to indicate that the annual recertification was not completed due to this guidance. This clarification record will act as a placeholder in lieu of a normal recertification.	8/03/20	12/31/20