

# **HOUSING CHOICE VOUCHER PROGRAM TEMPORARY CHANGES TO POLICIES AND PROCEDURES IN RESPONSE TO COVID-19**

HUD has facilitated the adoption of specific waiver authority by PHAs in an effort to ensure operations are not impacted and families can continue to be served during the Shelter in Place Order by the Public Health Director and Emergency Declarations made by the Governor of California and the President of the United States.

Pursuant to PIH Notice 2020-05 issued on April 10, 2020, HACCC has adopted the following waivers and modified its policies and procedures to implement said waivers. These waivers were adopted effective April 14, 2020 and expire as indicated below.

## **1. PH & HCV - 3: Family Income and Composition; Annual Examination-Income Verification requirements**

HUD is waiving the requirement that PHAs must use the income hierarchy described by PIH Notice 2018-18. HUD will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV, if a PHA opts to conduct annual recertifications rather than delaying them. PHAs may consider self-certification as the highest form of income verification to process annual reexaminations. This may occur over the telephone (but must be documented for the written record by PHA staff), through an email or postal mail with a self-certification form by the tenant, or through other electronic communication. Income and family composition examinations and recertifications do not have to be conducted in-person.

### **Policy Change:**

HACCC will consider written and verbal self-declarations submitted by household adults as primary verification of income and process reexaminations based on the self-certification. Where available, third party verification will be accepted to augment or support the self certification. The HUD Hierarchy and Techniques is suspended and will not be in effect during the HUD declared period.

Expires: July 31, 2020

## **2. PH & HCV - 4: Family Income and Composition; Interim Examinations**

HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verifications, including EIV. PHAs may consider self-certification as the highest form of income verification for interim reexaminations. Interim reexaminations are not required to be held in-person.

### **Policy Change:**

HACCC will consider written and verbal self-declarations submitted by household adults as primary verification of income and process reexaminations based on the self-certification. Where available, third party verification will be accepted to augment or support the self

certification. The HUD Hierarchy and Techniques is suspended and will not be in effect during the HUD declared period.

Expires: July 31, 2020

**3. PH & HCV - 5: Enterprise Income Verification (EIV) Monitoring**

HUD is waiving mandatory EIV monitoring requirements found in PIH Notice 2018-18 through July 31, 2020.

**Policy Change:**

HACCC will not review EIV reports until the end of the waiver authority period. In the event of discrepancies, the family will be required to submit corroborating evidence of declarations.

Expires: July 31, 2020

**4. PH & HCV - 6: Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension**

HUD will consider the circumstances surrounding COVID-19 to qualify as “good cause” to extend a family’s contract of participation in the FSS program for no more than 2 years through December 31, 2020.

**HACCC Policy:**

As needed, HACCC shall extend FSS Contracts of Participation for a period of up to two years.

Expires: December 31, 2020

**5. HQS - 1: Initial Inspection Requirements**

A PHA may rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit instead of conducting an initial inspection. A PHA may add other requirements or conditions to the owner’s certification. The PHA is required to conduct an HQS inspection on the units as soon as reasonably possible, but no later than October 31, 2020. The waiver may also apply to PHA-owned units.

**HACCC Policy:**

HACCC shall continue to conduct in-person initial inspections where possible. If the owner or family refuses to grant access during COVID-19 restrictions, the owner and tenant will both be required to complete a self-certification of the condition of the unit. In addition, where feasible, HACCC shall require that a video file be submitted as documentation of the condition of the unit. The alternative to a video file would be photo evidence of all rooms, and amenities in the unit. All files will be documented with the Certifications and an Inspection template, Form HUD 52580, remotely completed by staff. All Initial self-certification inspections shall be signed by the owner and tenant.

Once the COVID-19 restrictions are lifted, all self-certified initial inspections will be inspected in person by October 31, 2020 or by an alternative date determined by HUD.

Expires: July 31, 2020

**6. HQS - 2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Complete Units**

A PHA may rely on the owner's certification that the owner that has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. A PHA may add other requirements. The PHA must conduct an HQS inspection no later than October 31, 2020 but must do so as soon as reasonably possible. If there's a requirement under the Agreement to enter into a Housing Assistance Payment (AHAP) contract for newly constructed or rehabilitated projects, the PHA may choose to allow the owner to certify that the PHA requirement has been met. The waiver may also apply to PHA-owned units, if the independent entity is unable to perform the inspection.

**HACCC Policy:**

HACCC shall continue to conduct in-person initial inspections where possible. If the owner or family refuses to grant access during COVID-19 restrictions, the owner and tenant will both be required to complete a self-certification of the condition of the unit. In addition, where feasible, HACCC shall require that a video file be submitted as documentation of the condition of the unit. The alternative to a video file would be photo evidence of all rooms, and amenities in the unit. All files will be documented with the Certifications and an Inspection template, Form HUD 52580, remotely completed by staff. All Initial self-certification inspections shall be signed by the owner and tenant.

Once the COVID-19 restrictions are lifted, all self-certified initial inspections will be inspected in person by October 31, 2020 or by an alternative date determined by HUD.

Expires: July 31, 2020

**7. HQS - 5: Biennial Inspections**

HUD is waiving the requirement that PHAs inspect the unit not less than biennially (certain small, rural PHAs may inspect units triennially). All delayed biennial inspections must be completed as soon as reasonably possible, but no later than October 31, 2020. This waiver may be applied to PHA-owned units if the independent entity is unable to perform the inspection.

**HACCC Policy:**

All Annual/Biennial inspections will be postponed until COVID-19 restrictions are lifted. HACCC will document all tenant files with a flyer to document this delay. Once restrictions are lifted all delayed HQS inspections will be conducted by October 31, 2020 or alternative date as determined by HUD.

Expires: October 31, 2020

#### **8. HQS - 6: Interim Inspections**

The waiver states that if an HQS reported deficiency is life-threatening, the PHA must notify the owner of the reported life-threatening deficiency and the owner must correct it within 24 hours of the PHA notification or provide documentation that the deficiency does not exist. For non-life-threatening deficiencies, the PHA must notify the owner within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification. The PHA may add other requirements. The PHA is not required to conduct an on-site inspection to verify the repairs have been made, but may rely on alternative verification methods (photos, tenant certification, etc.). This waiver may apply to PHA-owned units where the independent entity is unable to perform the inspection.

##### **HACCC Policy:**

HACCC shall continue to conduct in-person Interim inspections where possible. If the owner or family refuses to grant access during COVID-19 restrictions, the owner and tenant will be required to complete a self-certification of the condition of the unit. In addition, where feasible, HACCC shall require that a video file be submitted as documentation of the condition of the unit. The alternative to a video file would be photo evidence of all rooms, and amenities in the unit. All files will be documented with the Certifications and an Inspection template, Form HUD 52580, remotely completed by staff. All Initial self-certification inspections shall be signed by the owner and tenant.

If repairs to the unit are needed, the owner and/or tenant will be required to submit picture or video evidence of all corrected deficiencies along with any receipts for services or materials as applicable within 24 hours or 30 days, depending on the failed item. The tenant shall confirm the repairs are completed by certification or by verbal confirmation to staff who will document the conversation for the tenant file

Expires: July 31, 2020

#### **9. HQS - 7: PBV Turnover Unit Inspections**

The Department is waiving the regulation that requires a PBV unit inspection before the unit is leased to a new family. The PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The PHA may add other requirements. The waiver may be applied to PHA-owned units if the independent entity is unable to complete inspections.

##### **HACCC Policy:**

HACCC shall continue to conduct in-person initial inspections where possible. If the owner or family refuses to grant access during COVID-19 restrictions, the owner and tenant will be required to complete a self-certification of the condition of the unit. In addition, where feasible, HACCC shall require that a video file be submitted as documentation of the condition of the unit. The alternative to a video file would be photo evidence of all rooms,

and amenities in the unit. All files will be documented with the Certifications and an Inspection template, Form HUD 52580, remotely completed by staff. All Initial self-certification inspections shall be signed by the owner and tenant.

Once the COVID-19 restrictions are lifted, all self-certified initial inspections will be inspected in person by October 31, 2020 or alternative date determined by HUD.

Expires: July 31, 2020

#### **10. HQS - 8: PBV HAP Contract – HQS Inspections to Add or Substitute Units**

The Department is waiving the HQS inspection requirement when substituting or adding a new unit to a PBV HAP contract. Instead, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The PHA may add other conditions. The waiver may also be applied to PHA-owned units.

##### **HACCC Policy:**

HACCC shall continue to conduct in-person initial inspections where possible. If the owner or family refuses to grant access during COVID-19 restrictions, the owner and tenant will both be required to complete a self-certification of the condition of the unit. In addition, where feasible, HACCC shall require that a video file be submitted as documentation of the condition of the unit. The alternative to a video file would be photo evidence of all rooms, and amenities in the unit. All files will be documented with the Certifications and an Inspection template, Form HUD 52580, remotely completed by staff. All Initial self-certification inspections shall be signed by the owner and tenant.

Once the COVID-19 restrictions are lifted, all self-certified initial inspections will be inspected in person by October 31, 2020 or by an alternative date determined by HUD.

Expires: July 31, 2020

#### **11. HQS - 9: HQS Quality Control Inspections**

HUD is waiving its supervisory quality control inspections until October 31, 2020.

##### **HACCC Policy:**

HACCC will not conduct monthly quality control inspections of completed inspections. HACCC will resume QC Inspections in November, 2020 or alternative date as determined by HUD.

Expires: October 31, 2020

#### **12. HQS - 10: HQS Space and Security**

HUD is waiving the regulation requiring one bedroom for every two people where the PHA wishes to assist a current participant that needs to add a member or members to the assisted

household as a result of the COVID-19 emergency. This waiver does not apply to an initial or new lease.

**HACCC Policy:**

HACCC shall permit the addition of family members to existing tenancies even if it results in overcrowding. The family will not be issued a different-sized voucher to accommodate the change in the family size during or after COVID-19, but the added members will be permitted to live in the unit and the entire household's income will be included in calculation of the tenant rent portion. The tenant file will be documented that the over-crowded condition was a result of the COVID-19 response.

Expires: Current Lease Term or One Year from the date of the HUD Notice - April 09, 2021

**13. HQS - 11: Homeownership Option – Initial HQS Inspection**

HUD is waiving the requirement for an initial HQS inspection before commencing monthly homeownership assistance payments. The family is still required to obtain an independent professional inspector and the PHA is still required to review the independent inspection and has discretion to disapprove the unit because of the contents of the inspection report.

**HACCC Policy:**

HACCC will continue to review the Home Inspection to ensure compliance to physical standards. However, HQS inspections will not be done by HACCC until HUD imposed expiration of this provision.

Expires: July 31, 2020

**14. HCV - 1: Administrative Plan**

HUD is waiving the requirement that a PHA's administrative plan must be formally adopted by a PHA's board. Must be formerly adopted as practicable following June 30, 2020, but no later than July 31, 2020.

**HACCC Policy:**

HACCC will update the Administrative Plan as needed and required by HUD where permitted without Board of Commissioners approval and will bring all changes implemented to the Board by the HUD determined deadline.

Expires: June 30, 2020 and must be presented to the Board by July 31, 2020.

**15. HCV - 2: Information When Family Is Selected – PHA Oral Briefing**

HUD is waiving the requirement that the PHA must give an oral briefing to families in the HCV and PBV programs. The PHA must instead conduct the briefing by other means such as webcast, video call, expanded information packet. The PHA must ensure that the method of communication for the briefing effectively communicates with each family member, including those with vision, hearing, and other communication-related disabilities and those with persons with limited English proficiency.

**HACCC Policy:**

HACCC shall conduct briefings for new participants and households moving to other units by telephone or other electronic means and refer them to our website for the briefing packet or mail it to the family to have and follow along with staff during the phone briefing. The tenant file will be documented with the date and time of the remote briefing and how the briefing packet was provided to them.

Expires: July 31, 2020

**16. HCV - 3: Term of Voucher – Extensions of Term**

HUD is waiving the requirement the voucher term extensions must be in accordance with the PHA administrative plan.

**HACCC Policy:**

HACCC already has a liberal policy of granting voucher extensions especially as a result of its restrictive rental market. HACCC is waiving the requirement that the family provide evidence of their housing search in order to be granted an extension of their voucher search period.

Expires: July 31, 2020

**17. HCV - 4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed**

HUD is waiving the regulatory requirement that the HAP contract may not be executed 60 days after the lease term begins and will instead allow PHAs to execute the HAP contract after the 60-day deadline has passed and make housing assistance payments retroactive to the beginning of the lease term. However, the PHA and owner must execute the HAP contract no later than 120 days from the beginning of the lease term.

**HACCC Policy:**

HACCC will continue to require that contract be processed within 60 days after the lease begins. The waiver authority is being incorporated for special circumstances at the discretion of the Director of the Assisted Housing Programs.

Expires: July 31, 2020

**18. HCV - 5: Absence From Unit**

The Department is waiving the requirement that a voucher family may not be absent from a unit for a period of more than 180 consecutive calendar days. The PHA has discretion whether to continue the HAP contract in this situation and not terminate due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, or caring for family members). The period of availability to continue making these HAP payments despite the family's absence ends on December 31, 2020. The PHA may not make payments after this date if the family is absent and the HAP contract will terminate.

**HACCC Policy:**

HACCC shall document the absence of any family member and indicate the expected return date of the absent family member(s). No action will be taken to remove the family member before the HUD expiration deadline. Thereafter, unless proper documentation is presented regarding extenuating circumstances, the HAP Contract will be terminated.

Expires: December 31, 2020

**19. HCV - 6: Automatic Termination of HAP Contract**

The Department is waiving the requirement to terminate a HAP contract 180 days after a housing assistance payment is reduced to \$0. This is in recognition that the COVID-19 emergency may cause the temporary addition of household members which causes the calculation of HAP to reach \$0. As an alternative requirement, the PHA, following a written notice to the owner and family, may extend the period of time following the last payment to the owner that triggers the automatic termination.

**HACCC Policy:**

HACCC shall not terminate HAP Contracts with \$0 subsidy for 6 months or more until the COVID-19 restrictions expire. Tenant files will be documented as deliberate non-terminations due to COVID-19 responses. Thereafter, all contracts that are at \$0 subsidy for 6 months or more will be reviewed to determine if extenuating circumstances exist to not terminate the HAP Contract.

Expires: December 31, 2020

**20. HCV - 7: Increase in Payment Standard under HAP contract term**

The Department is waiving the requirement that if a payment standard is increased during the term of a HAP contract, the increased payment standard shall not be effective until the family's first regular reexamination. Instead, the increased payment standard may be effective at any time (e.g., interim reexamination, owner rent increase) after the effective date as long as it is not later than the family's first regular reexamination.

**HACCC Policy:**

HACCC does not have a situation that would warrant changes as a result of an increase in the Payment Standard. However, due to a decrease in the payment standards effective April 1, 2019, for studio to three bedroom units in all cities not in East County, it was anticipated that some families would experience increases in their tenant rent portion effective June 1, 2020, since this would be their second annual certification since the decrease in payment standard. HACCC has revised the Payment Standard for studio to three bedroom units for all cities not in East County so that families will not experience a rent increase, as a result of the previously reduced payment standard, at their next annual recertification.

Expires: December 31, 2020

**21. PHAS, SEMAP and Financial Reporting Standards (b): SEMAP (Section Eight Management Assessment Program)**

HUD will not issue SEMAP scores that are pending or for fiscal years ending in 2020 unless a PHA requests a SEMAP score. HUD will, instead, carry forward the PHAs most recent SEMAP score on record.

**HACCC Policy:**

HACCC will not submit a SEMAP score for FY2020. It will request that HUD carry forward their SEMAP score from 2019 which indicated that HACCC was a High Performer for its Housing Choice Voucher Program.

Expires: March 31, 2021

**22. Other Waivers (a): PHA Reporting Requirements on HUD Form 50058**

HUD is waiving the requirement that PHAs must submit form HUD-50058 60 calendar days after any action recorded on line 2b for transactions impacted by implemented waivers and alternative requirements. Through December 31, 2020, PHAs will have 90 days to submit their form HUD-50058 after the effective date of action to HUD. Although the waiver provides up to 90 days to submit form HUD-50058, HUD encourages PHAs that have operational capacity to continue submitting form HUD-50058 within the normal 60-day timeframe. HUD will issue guidance in the near future that will provide PHAs with workarounds to ensure that the delayed submission of form HUD-50058 does not cause any fatal errors in the IMS-PIC system.

**HACCC Policy:**

HACCC will continue to submit data to the HUD PIC Database within 60 days after the completion of any transaction recorded in its system. However, if circumstances result in delays or overwhelm staffing capacity during the COVID-19 response period, HACCC will ensure that submissions are made within 90 days.

Expires: December 31, 2020

**23. Repayment Agreements**

Families are required to make repayments on unreported income or non-payment of rent on Repayment Agreements executed between the tenant and /or and HACCC. HACCC recognizes that COVID-19 has resulted in many households having their monthly income affected by loss of employment, layoff or reduction in hours worked.

**HACCC Policy:**

In the event of hardship, HACCC shall suspend a households repayment agreement until July 31, 2020 or alternative deadline for temporary waivers as determined by HUD.

Expires: July 31, 2020