

Joseph L. Smith
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The Coronavirus Aid, Relief and Economic Security (CARES) Act, which was enacted on March 27, 2020, provides the United States Department of Housing and Urban Development (HUD) with broad authority to waive statutes and regulations for its Public Housing, Housing Choice Voucher and other programs to allow for the temporary adjustment of certain policies and practices where necessary to prioritize mission critical functions within the context of the public health crisis created by COVID-19.

On April 10, 2020, HUD issued Notice PIH 2020-05, in which HUD waives and establishes alternative requirements for numerous statutes and regulations. PIH-2020-05 provides relief and administrative flexibilities to public housing authorities (PHAs) to carry out essential functions while also taking steps to prevent further spread of COVID-19 and to mitigate the health risks posed by the virus to staff, residents, program participants, landlords and the community at large. The ability to use these waivers became effective immediately upon the date of the notice. PHAs may implement any or all waivers at any point during the availability period, which varies by waiver. Further, PHAs are not required to seek HUD approval or receive approval from their Board of Commissioners to amend their policies prior to implementing the waivers. However, PHAs are required to formally adopt temporary amendments to their policies through Board approval by July 31, 2020. PHAs must also notify residents, program participants and property owners about any waiver being implemented by the PHA that may have an impact on them.

The Housing Authority of Baltimore City (HABC) has chosen to implement a number of waivers as authorized in PIH 2020-05, which are listed below. HABC will be sending notice regarding the use of waivers directly to those impacted. HABC reserves the right to implement additional waivers allowed by PIH 2020-05 should the need arise at any point during the period of availability.

HABC has chosen to implement the following waivers:

Waivers that Apply to Both Public Housing (PH) and Housing Choice Voucher (HCV) Programs:

1. PHA 5 Year and Annual Plan

- This waiver extends the deadline for PHAs to submit the agency 5 Year or Annual Plan (as applicable) according to each agency's specific fiscal year end date. HABC's fiscal year end date is December 31, 2020. As authorized by this waiver, HABC will submit its 2021 Moving to Work Plan to HUD for approval on or before January 16, 2021.

2. Family Income and Composition – Delayed Annual Reexamination

- This waiver allows PHAs to delay the annual reexamination of income and family composition. For the HCV program, the increased payment standard will be applied effective on the date that the regular reexam would have taken place absent the waiver.
 - HABC's HCV program is making every effort to continue to process annual reexaminations, which may now be completed online, on a timely basis. However, the HCV program may have to delay this process under certain circumstances.
 - HABC's PH program will implement this waiver to delay reexaminations that are due May 1, 2020 through December 31, 2020.

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3. Annual Reexamination Income Verification

- The requirement to use the income hierarchy for regular reexaminations, including the use of Enterprise Income Verification (EIV) is waived, and PHAs are authorized to consider self-certification as the highest form of income verification.
- PHAs that implement this waiver will be responsible for addressing material income discrepancies if any are discovered at a later date.
 - HABC will be tracking each instance that self-certification is used to verify income, and as soon as practicable, will take appropriate measures to confirm the accuracy of the information provided.

4. Interim Reexaminations

- The requirement to use the income hierarchy for interim reexaminations, including the use of EIV, is waived. PHAs are authorized to consider self-certification as the highest form of income verification.
- PHAs that implement this waiver will be responsible for addressing material income discrepancies if any are discovered at a later date.
 - HABC will be tracking each instance that self-certification is used to verify income, and as soon as practicable, will take appropriate measures to confirm the accuracy of the information provided.

5. EIV System Monitoring

- The requirement for PHAs to monitor EIV reports on a monthly basis is waived.

6. Family Self-Sufficiency (FSS) Contract of Participation

- This waiver provides extensions to FSS contract participation for a period of up to two years.

Waivers that Apply to the Public Housing Program

1. Admissions and Continued Occupancy Policy (ACOP)

- This waiver allows PHAs to revise their ACOP on a temporary basis without prior approval from their Board of Commissioners.
- PHAs must obtain approval for the temporary changes made to their ACOP by their Board of Commissioners by July 31, 2020.
 - HABC will submit the changes for approval by the Board of Commissioners no later than the regular Board meeting in July.



2. Community Service and Self-Sufficiency Requirement (CSSR)

- This waiver suspends the requirement for all non-exempt adults to complete eight hours per month of community service or participate for eight hours per month in an economic self-sufficiency program (or a combination of both).
- PHAs are permitted to waive the CSSR requirement until the family's next annual reexamination.
- After March 31, 2021, the CSSR requirement will become effective again at the family's next annual reexamination.

3. Energy Audits

- This waiver suspends the performance of energy audits for one year for those that were due before December 31, 2020.

4. Over-Income Families

- This waiver temporarily eliminates the requirement to terminate or charge an alternative rent to families whose income exceeds the maximum allowable for participation in the program.
- PHAs are permitted to allow over-income families to remain in their unit and continue to pay the same rent until that next annual reexamination is scheduled.

5. Utility Allowances

- PHAs are permitted to delay the annual review and update of utility allowances but must complete them by December 31, 2020.

6. Tenant Notifications

- The requirement to provide notice 30 days in advance of implementing changes to policies and rules to families, with the exception of changes related to tenant charges, is waived.
- PHAs must still notify the family within 30 days of implementing such change.

Waivers that Apply to the Housing Choice Voucher Program

1. Administrative Plan

- PHAs may revise their Administrative Plan on a temporary basis without prior approval from their Board of Commissioners.
- PHAs must obtain approval for the temporary changes made to their Administrative Plan from their Board of Commissioners by July 31, 2020.
 - HABC will submit the changes for approval by the Board of Commissioners no later than the regular Board meeting in July.

2. PHA Oral Briefing

- This waiver establishes alternative requirements for PHAs to conduct oral briefings to all newly admitted tenant-based voucher and project-based voucher families.
- The waiver allows oral briefings to be conducted through means other than in-person meetings, such as via webcasts, video calls or expanded information packets.

3. Term of Voucher – Extension of Term

- This waiver allows PHAs to provide voucher extensions regardless of current PHA policy.

4. Absence from Unit

- This waiver allows for PHA discretion on whether to terminate the HAP contract if a family is absent from the unit for longer than 180 days.
- PHAs are permitted to make payments and not terminate the HAP contract for extenuating circumstances like hospitalization, extended stays at nursing homes or caring for family members.
- PHAs must not make HAP payments beyond December 31, 2020 for units that have been vacant for more than 180 days.

5. Automatic Termination of HAP Contract

- This waiver suspends the requirement to terminate the HAP contract for families that have received \$0 subsidy for six months.
- The waiver allows PHAs to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.
- The extension granted may not go beyond December 31, 2020.

6. Increase in Payment Standard

- This waiver provides PHAs with the option to increase the payment standard for a family at any time after the effective date of the increase, rather than waiting to do so until the next reexamination. In other words, the increased payment standard may be applied at an interim rent reduction or interim increase in contract rent.
- The family must receive the increased payment standard no later than the effective date of their annual reexamination, even if the annual reexamination was delayed.

7. Utility Allowance Schedule

- This waiver allows PHAs to delay the review and update of utility allowance schedules.

8. Family Unification Program (FUP)

- This waiver suspends the requirement for a youth to be under the age of 25 in order to for the PHA to execute a HAP contract under the FUP program.
- PHAs are permitted to execute a HAP contract on behalf of a FUP youth who was issued a voucher and whose HAP contract has not yet been signed who is over age 25 but is under age 26.

Waivers that Apply to Housing Quality Standards (HQS)

1. Biennial Inspections

- This waiver allows for a delay in biennial inspections for tenant-based and project-based voucher units.
- All delayed biennial inspections must be completed as soon as reasonably possible, but no later than October 31, 2020.

2. Interim Inspections

- The requirement to inspect a unit within 24 hours when a life-threatening deficiency is reported, and within 15 days when a non-life-threatening deficiency is reported, is waived.
- In lieu of inspection, PHAs must notify the property owner of a life-threatening deficiency, and the owner must either repair the deficiency within 24 hours or provide documentation that the reported deficiency does not exist.
- For non-life-threatening deficiencies, the PHA must notify the property owner that the deficiency must be repaired within 30 days or provide documentation that the deficiency does not exist.
- PHAs can accept alternative verification of the repair such as photos submitted by the owner or a tenant certification.
- PHAs can add other requirements or conditions to owner documentation but are not required to do so.

3. HQS Quality Control Inspections

- This waiver suspends the requirement to conduct supervisory quality control inspections on a sample of units under contract until October 31, 2020.

Administrative and Other Waivers

1. Financial Reporting

- This waiver suspends the requirement that PHAs submit financial information to HUD annually within 60 days of the end of the fiscal year of the reporting period, unaudited financial statements within 60 days of the end of the fiscal year and audited financial statements within 9 months of the end of the fiscal year.
- For both unaudited and audited financial statements, the deadlines have been extended by 6 months.
- For PHAs with a fiscal year end date of December 31, 2020, the deadline to submit unaudited financial information has been extended to August 31, 2020, and the deadline to submit audited financial information has been extended to March 31, 2021.

2. Form HUD 50058

- The requirement to submit HUD form 50058 within 60 days of the effective date of the action is waived.
- During the waiver period, PHAs must submit form 50058 within 90 days of the effective date of the action.

3. Deadline for Reporting Operating and Capital Fund Expenditures

- This waiver extends both the obligation end date and the expenditure end date for all open Capital Fund grants by 1 year from the current obligation expenditure date.