

**A Resolution of the Board of
Commissioners Authorizing
the Formal Adoption of
Temporary Changes to the
Administrative Plan,
Admissions and Continued
Occupancy Policy and
Administrative Practices
Pursuant to COVID-19
Waivers**

BOC-09-2020-31

HOUSING AUTHORITY OF BALTIMORE CITY

**A Resolution of the Board of Commissioners Authorizing the Formal Adoption of
Temporary Changes to the Administrative Plan, Admissions and Continued Occupancy
Policy and Administrative Practices Pursuant to COVID-19 Waivers**

WHEREAS, the Coronavirus Aid, Relief and Economic Security (“**CARES**”) Act, enacted on March 27, 2020, provided the U.S. Department of Housing and Urban Development (“**HUD**”) with broad authority to waive statutes and regulations for the Public Housing, Housing Choice Voucher and other programs; and

WHEREAS, pursuant to the CARES Act, on April 10, 2020, HUD issued Notice PIH 2020-05, in which HUD waived, and established alternative requirements for, numerous statutes and regulations, thereby providing 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; and

WHEREAS, on July 2, 2020, HUD issued Notice PIH 2020-13, which provided additional waivers and extended the deadline for their effectiveness from July 31, 2020 to December 31, 2020; and

WHEREAS, the HUD Notices provided that PHAs could implement the waivers immediately without first getting approval from their Board of Commissioners (“**Board**”), but PHAs are required to submit the waivers to their Board for formal adoption by December 31, 2020; and

WHEREAS, pursuant to the Notices, PHAs were required to notify residents, program participants and property owners about the waivers and their effect, and HABC has provided this notification about the selected waivers, which made temporary changes to: (i) the HABC Administrative Plan for the Housing Choice Voucher Program; (ii) the HABC Public Housing Admission and Continued Occupancy Policy; and (iii) certain HABC administrative policies and practices; and

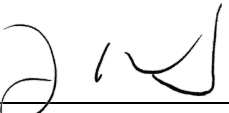
WHEREAS, HABC seeks formal adoption from the Board of the waivers HABC selected for implementation, as set forth on **Exhibit A**, attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board, that:


1. The Board hereby adopts the HUD waivers set forth on **Exhibit A**, attached hereto.
2. The President and Chief Executive Officer, or her designee, is authorized to take all appropriate actions and execute all appropriate documents to implement this resolution consistent with its terms.

PASSED, ADOPTED AND APPROVED this 15th day of September, 2020.

ATTEST:




Janet Abrahams
Secretary/President/Chief Executive Officer



Joseph L. Smith
Chairman

Approved as to form and legal sufficiency
this 8th day of September, 2020 by:



Jan Goslee, EVP/General Counsel
HABC/Office of Legal Affairs

EXHIBIT A
HUD COVID-19 WAIVERS SELECTED BY HABC

EXHIBIT A

HUD WAIVERS FOR TEMPORARY CHANGES IN RESPONSE TO COVID-9

The Coronavirus Aid, Relief and Economic Security (CARES) Act, which was enacted on March 27, 2020, provides the Department of Housing and Urban Development (HUD) with broad authority to waive statutes and regulations for the Public Housing, Housing Choice Voucher and other programs. The purpose of the waivers is 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.

Below are the waivers that HABC has chosen to implement.

WAIVERS FOR BOTH PUBLIC HOUSING AND HOUSING CHOICE VOUCHER PROGRAMS:

- **PHA 5 Year and Annual Plan**
This waiver will allow HABC to extend the deadline for submission of their Annual Plan to HUD. Normally HABC is required to submit its Annual Plan to HUD by October 15 of each year. As authorized by this waiver, HABC will submit its 2021 Moving to Work Plan to HUD for approval on or before January 16, 2021.
- **Family Income and Composition – Delayed Annual Reexamination**
This waiver allows HABC to delay the annual reexamination of income and family composition. Reexaminations that were due May 1, 2020 through December 1, 2020 must be completed by December 31, 2020.
- **Annual Reexamination Income Verification**
HABC is required to use the most reliable source of information when verifying income for regular reexaminations. Information received from the use of the Enterprise Income Verification (EIV) system is considered the most reliable while self-certification from the resident is considered the least reliable. HUD has temporarily waived the requirement to use the EIV system, and now self-certification is considered as the highest form of income verification.
- **Interim Reexaminations Income Verification**
HABC is required to use the most reliable source of information when verifying income for interim reexaminations. The requirement to use the EIV system for interim reexaminations is waived and self-certification is considered as the highest form of income verification pursuant to this waiver.
- **EIV System Monitoring**
HABC is required to monitor EIV reports monthly to determine if there are any discrepancies in an applicant's or resident's income or citizenship status. The requirement to monitor EIV reports monthly is waived.

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HUD WAIVERS FOR TEMPORARY CHANGES IN RESPONSE TO COVID-9

- **Family Self-Sufficiency (FSS) Contract of Participation**

This waiver allows HABC to extend participating in FSS contracts for a period of up to two years.

WAIVERS FOR PUBLIC HOUSING PROGRAM ONLY

- **Admissions and Continued Occupancy Policy (ACOP)**

This waiver allows HABC to revise the ACOP temporarily without prior approval from the Board of Commissioners. HABC must obtain approval for the temporary ACOP changes from the Board of Commissioners by December 31, 2020.

- **Community Service and Self-Sufficiency Requirement**

This waiver suspends the requirement for all non-exempt adults to complete eight hours per month of community service or in an economic self-sufficiency program (or combination of both). This requirement is waived until the family's next annual reexamination, through March 31, 2021.

- **Energy Audits**

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

- **Utility Allowances**

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

- **Over-Income Families**

When a family's incomes exceeds the maximum allowable, HABC is required to either change the rent amount or terminate the dwelling lease. This waiver allows over-income families to remain in their unit and continue to pay the same rent until the next annual reexamination.

- **Tenant Notifications**

HABC is required to provide 30-days notice to residents **prior** to implementing changes to its policies and rules. This waiver allows HABC to provide notice **within 30 days of implementing the change**; however, any changes related to tenant charges still require 30 days prior notice.

- **Public Housing Agency Annual Self-Inspections**

HUD is waiving the requirement for HABC to inspect each public housing project annually during CY2020. HABC will perform remote virtual inspections when possible and appropriate, and will continue to conduct exterior site inspections.

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WAIVERS FOR THE HOUSING CHOICE VOUCHER PROGRAM ONLY

- **Biennial Inspections**
This waiver allows HABC to delay biennial inspections for project-based and tenant-based units. All delayed biennial inspections must be completed as soon as reasonably possible, but no later than December 31, 2020.
- **Interim Inspections**
This waiver allows HABC to notify the owner of a life-threatening and/or non-life-threatening deficiency, in lieu of an inspection. The owner must either repair the deficiency within the required timeframe or provide documentation that the violation does not exist via email or text. Through this waiver, HABC can accept alternative verifications of repairs such as photos submitted by the owner or a tenant self-certification.
- **Housing Quality Standards Quality Control Inspections**
This waiver suspends the requirement to conduct supervisory quality control inspections on a sample of units under contract until December 31, 2020.
- **Administrative Plan**
This waiver allows HABC to revise its Administrative Plan on a temporary basis without prior approval from the Board of Commissioners. HABC must obtain approval for the temporary Administrative Plan changes from the Board of Commissioners by December 31, 2020.
- **Oral Briefing**
This waiver allows HABC to conduct oral briefings to all newly admitted tenant-based voucher and project-based voucher families through other means, such as webcast, video call or expanded information packet.
- **Term of Voucher: Extensions of Term**
This waiver allows HABC to provide voucher extensions regardless of policy, i.e. even if the Administrative Plan has not yet been amended to provide for the extension.
- **Absence from Unit**
Under this waiver, HABC can use discretion on whether it continues to make payments when there has been an absence from the unit for longer than 180 days. HABC is permitted to continue to make payments and not terminate the Housing Assistance Payment (HAP) contract for extenuating circumstances like hospitalization, extended stays in nursing homes or for caring for a family member.

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HUD WAIVERS FOR TEMPORARY CHANGES IN RESPONSE TO COVID-9

- **Automatic Termination of HAP Contract**

This waives the requirement to terminate the HAP contract for families that have received zero dollars in subsidy for six months. HABC may extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.
- **Increase in Payment Standard**

This waiver provides HABC with the option to increase the payment standard for a family at the time of the effective date of increase, rather than waiting for the next regular re-examination to do so. For example, the increased payment standard may be applied at an interim rent reduction or an interim increase in contract rent.
- **Utility Allowance Schedule**

This waiver allows HABC to delay the review and update of utility allowance schedules.
- **Family Unification Program (FUP)**

This waives the requirement that a FUP youth be under age 25 in order to be placed in a HAP contract. HABC is permitted to execute a HAP contract on behalf of a FUP youth who was issued a voucher and whose HAP contract is not yet signed, but who is not yet 26 years of age.
- **Family Unification Program: Length of Assistance for Youth**

For FUP youth who will reach the 36-month limit between April 10, 2020, and December 31, 2020, HABC will adopt the waiver that suspends terminations of assistance for a period of up to six months from the date the youth's assistance would have been terminated absent this waiver.
- **Family Unification Program: Timeframe for Referral**

HUD is extending the timeframe for which HABC may accept referrals from child welfare agencies for youth who will leave foster care from 90 days to 120 days.
- **Homeownership: Maximum Term of Assistance**

HUD is waiving the maximum term on homeownership assistance for non-elderly/non-disabled families of 15 years if the initial mortgage has a term of 20 or more years, and 10 years in all other cases. Specifically, for any family that is in the last year of this term and that is experiencing financial hardship as a result of the COVID-19 pandemic, HABC may provide homeownership assistance for up to 1 additional year.
- **Mandatory Removal of Unit from Project-Based Voucher Housing Assistance Payment Contract**

Under the PBV program, HABC is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. This situation arises when the family increases its income to such an extent that it no longer requires housing assistance. In recognition that the COVID19

EXHIBIT A

HUD WAIVERS FOR TEMPORARY CHANGES IN RESPONSE TO COVID-9

pandemic is creating uncertainty for owners and families, HUD is waiving this requirement, and is authorizing HABC, at its discretion, to keep such units under contract for a period of time that exceeds 180 days, but does not extend beyond December 31, 2020.

WAIVERS REGARDING ADMINISTRATION

- **Financial Reporting**

This waiver extends the deadline for HABC to submit audited and unaudited information by 6 months.

- **Form HUD 50058**

This waiver extends the deadline to submit HUD form 50058 from within 60 days to within 90 days of the effective date of the action

- **Deadline for Reporting Operating and Capital Fund Expenditures**

HUD is extending both the obligation end date and the expenditure end date for all Capital Fund grants by 1 year from the current obligation expenditure end date.