

HUD STATUTORY AND REGULATORY WAIVERS  
EFFECTIVE DATE: APRIL 10, 2020

An outbreak of a respiratory disease caused by a novel (new) coronavirus has been detected in over 200 countries world-wide, including in the United States. The virus has been named “Coronavirus Disease 2019” (“COVID-19”). On January 31, 2020, Secretary of Health and Human Services Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.

The COVID-19 pandemic presents significant challenges for the U.S. Department of Housing and Urban Development (“HUD”) and our Public Housing Authority (“PHA”) to continue to carry out HUD’s fundamental mission to provide decent, safe, and sanitary affordable housing for low-income families. Program operations have been severely impacted as PHAs comply with critically important advisories and directives from public health professionals, including social distancing and other preventive practices that will slow the spread of COVID-19 and reduce the risk of exposure.

On March 27, 2020, President Trump signed the Coronavirus Aid, Relief and Economic Security (“CARES”) Act (Public Law 116-136) into law, which, in addition to other emergency assistance and health care response for individuals, families, and businesses affected by the COVID-19 pandemic, it provides HUD with broad authority, in the context of the current public health emergency, to waive statutes and regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for the Public Housing and Housing Choice Voucher (“HCV”) programs. Through issuance of this notice, HUD is exercising this authority to provide PHAs with flexibility to adjust program practices where necessary to prioritize mission critical functions when normal operations are restricted and severely constrained, further prevent the spread of COVID-19, and mitigate the health risks posed by COVID-19 to PHA staff, families, landlords, and their communities at large.

The use of these waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to their Public Housing and HCV programs. 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. HUD recognizes that the COVID-19 public health emergency presents unique challenges from a staffing and communication perspective and encourages PHAs to adapt their communications in consideration of local conditions and resources. For example, a PHA may need to initially provide this notification by placing information on its website and follow up with more formal written notice as circumstances allow.

Below please find a summary of the waivers that the Wilkes-Barre Housing Authority will be applying to its public housing and housing choice voucher program. If you have any questions, please feel free to contact the Executive Director at (570) 825-6657.

COVID-19 Statutory and Regulatory Waivers  
Public Housing  
Effective April 10, 2020

ANNUAL EXAMINATIONS - DELAYED:

All annual recertifications due in Calendar Year (CY) 2020 must be completed by 12/31/2020.

ANNUAL/INTERIM EXAMINATIONS - INCOME VERIFICATION REQUIREMENTS:

PHAs can forego third-party income verification requirements for annual reexaminations, including the use of EIV. Self-certification may be used as the highest form of income verification. Self-certification can be taken over the phone (PHA staff must document by writing exactly what the participant says), or by email or postal mail. **PHAS should read the statement about the participant providing true and complete information and have the participant acknowledge that they understand that responsibility.**

If the PHA later finds that the information received from the tenant is not correct, the PHA **MUST** take action to correct the misinformation including repayment agreements or further disciplinary action up to and including lease cancellation.

This waiver expires 7/31/2020.

OVER INCOME FAMILIES:

If a tenant's annual recertification is delayed, then the calculation of the 2-year period to terminate a tenancy or charge an alternative rent due to a family being over income will also be delayed. The 2-year period will be based on the date the actual annual recertification is effective.

This waiver expires 12/31/2020.

TENANT NOTIFICATION FOR CHANGES IN PROJECT RULES AND REGULATIONS:

HUD is waiving the requirement to provide advanced 30-day notice requirements to notify families about changes to policies and rules except for any changes related to tenant charges. PHAs must still provide adequate notification within 30 days following such changes.

This waiver expires 7/31/2020.

COVID-19 Statutory and Regulatory Waivers  
Section 8  
Effective April 10, 2020

ANNUAL EXAMINATIONS - DELAYED:

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ANNUAL/INTERIM EXAMINATIONS - INCOME VERIFICATION REQUIREMENTS:

PHAs can forego third-party income verification requirements for annual reexaminations, including the use of EIV. Self-certification may be used as the highest form of income verification. Self-certification can be taken over the phone (PHA staff must document by writing exactly what the participant says), or by email or postal mail. **PHAS should read the statement about the participant providing true and complete information and have the participant acknowledge that they understand that responsibility.**

If the PHA later finds that the information received from the tenant is not correct, the PHA **MUST** take action to correct the misinformation including repayment agreements or further disciplinary action up to and including termination from the voucher program.

This waiver expires 7/31/2020.

HQS INSPECTIONS:

1. INITIAL: In order to place a unit under HAP contract and commence making payments, at a minimum, the PHA **MUST** require the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. An HQS inspection must be conducted as soon as reasonably possible but no later than 10/31/2020.
2. INTERIM OR SPECIAL INSPECTIONS - LIFE THREATENING DEFICIENCY: If the PHA receives a report by a family that a unit does not comply with HQS, the PHA must notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the PHA notification or provide documentation that the reported deficiency does not exist (by text or email of a photo to the PHA).

This waiver expires 7/31/2020.

3. INTERIM OR SPECIAL INSPECTIONS – NON-LIFE-THREATENING DEFICIENCY: The PHA must notify the owner of the reported deficiency 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.

This waiver expires 7/31/2020.

4. PBV TURNOVER UNIT INSPECTIONS: In order to place a unit under HAP contract and commence making payments, at a minimum, the PHA **MUST** require the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. An HQS inspection must be conducted as soon as reasonably possible but no later than 10/31/2020.
5. HQS QUALITY CONTROL INSPECTIONS: This requirement is waived until 10/31/2020.

#### HOUSING QUALITY STANDARDS – SPACE AND SECURITY:

HUD is waiving the requirement that a dwelling unit have at least 1 bedroom for each 2 persons if 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, and the additional family members would result in the unit not meeting the space and security standards. **This waiver does not apply to an initial or new lease.**

This waiver will be in effect for the duration of the current lease term or one year from the date the waivers began (April 10, 2020).

#### SELECTION FROM WAITING LIST – ORAL BRIEFING:

The PHA may conduct briefings by alternative means (webcast, video call, or expanded information packet).

This waiver expires 7/31/2020.

#### TERM OF VOUCHER – EXTENSIONS:

HUD is waiving the requirement to issue extensions based on the PHA Administrative Plan. PHAs can provide extensions at its discretion.

This waiver expires 7/31/2020.

#### HAP CONTRACT EXECUTION:

HUD regulations require HAP contracts to be executed within 60 days of the beginning of the lease. HAP contracts signed after the 60-day limit are void and PHA may not pay any HAP payments to the owner. HUD is waiving this requirement to allow PHAs to execute the HAP contract after the 60-day deadline has passed (but no later than 120 days

from the beginning of the lease term) and make HAP payments back to the beginning of the lease term.

This waiver expires 7/31/2020.

ABSENCE FROM UNIT:

HUD is waiving the requirement that a family must not be absent from the unit for more than 180 consecutive calendar days. The PHA, at its discretion, may continue HAP and not terminate the HAP contract due to extenuating circumstances (hospitalization, extended stays at nursing homes, caring for family members). The PHA may not make payments beyond the waiver end date and the HAP contract will terminate on that date if the family is still absent from the unit.

This waiver expires 12/31/2020.

\$0 HAP PAYMENT:

HUD is waiving the requirement to terminate a HAP contract 180 days after the last HAP payment. The PHA, upon written notice to the owner and family, may extend the period of time following the last payment. The extension time period is determined by the PHA but may not extend beyond 12/31/2020.

This waiver expires 12/31/2020.

INCREASE IN PAYMENT STANDARD:

PHAs may apply an increase in payment standard at any time (interim, owner rent increase) instead of waiting until the next annual reexamination.

This waiver expires 12/31/2020.

UTILITY ALLOWANCE REVIEW AND REVISION:

The PHA may delay the review and revision of utility allowances.

This waiver expires 12/31/2020.

COVID-19 Statutory and Regulatory Waivers  
Administration  
Effective 4/10/2020

5 YEAR AND ANNUAL PLAN SUBMISSION DATES – SIGNIFICANT AMENDMENT REQUIREMENTS:

PHAs with FYE 12/31/2020 must submit their 5 Year and Annual Plans no later than 1/16/2021 (75 days before 4/1/2021).

Any change to a PHA policy that would normally trigger significant amendment requirements of the PHA plan may be effectuated without completing the significant amendment process. The PHA is required to notify the public housing residents and HCV families of any impacts that the significant amendment may have on them by whatever means it considers most effective as soon as possible.

This significant amendment waiver expires 7/21/2020. The 5 Year/Annual Plan submission varies depending on the FYE date.

EIV MONITORING:

Mandatory EIV monitoring requirements such as Deceased Tenants Reports, Identity Verification Reports, etc., are waived until 7/31/2020.

CLOSEOUT OF CFP GRANTS:

HUD is extending the deadlines for the submission of an Actual Development Cost Certificate (ADCC) and an Actual Modernization Cost Certificate (AMCC) that fell between March 1, 2020 and September 30, 2020 by 6 months.

ACOP: ADOPTION OF TENANT SELECTION POLICIES:

PHAs may adopt and implement changes to the ACOP on an expedited basis without formal board approval. As an alternative, any informally adopted revisions under this waiver must be formally adopted as soon as practicable following 6/30/2020 but not later than 7/31/2020.

This waiver expires 7/31/2020.

### PHAS:

Inspections: HUD is waiving the inspection requirement and is alternatively postponing physical inspections for all PHAs until further notice except where there is a threat to life or property.

For PHAs with a PHAS score pending as of the date of this notice, and for any PHA with a FYE on or before 12/31/2020, HUD will not issue a new PHAS score unless the PHA requests a new PHAS score.

HUD will resume issuing new PHAS scores beginning with PHAs with FYE 3/31/2021.

### SEMAP:

For PHAs with a SEMAP score pending as of the date of this notice, and for any PHA with a FYE on or before 12/31/2020, HUD will not issue a new SEMAP score unless the PHA requests a new SEMAP score.

### UNIFORM FINANCIAL REPORTING STANDARDS:

HUD is waiving the requirements that PHAs submit financial information and unaudited financial statements annually, but not later than 60 days after the FYE. For PHAs with a FYE 12/31/2019, the extended due date is 8/31/2020.

HUD is waiving the requirement that PHAs submit their audited financial statements not later than 9 months after their FYE. For PHAs with FYE 12/31/2019, the extended due date for audited financial information is 3/31/2021.

### PHA REPORTING REQUIREMENTS ON HUD FORM 50058:

HUD is waiving the 60-day submission requirement and allowing PHAs 90 days from the effective date to submit records. HUD recognizes that if a PHA submits 50058 records beyond the original 60-day submission requirement, they would experience difficulty in submitting the records and may receive fatal errors. PIH will issue guidance in the near future that will provide PHAs with workarounds to avoid any potential issues in the PIC system.

For PHAs that submit 50058 records and receive a fatal error, PIH will not require these 50058 records be re-submitted. PIH encourages these PHAs to NOT re-submit these forms until after PIH issues the revised guidance. For PHAs that submit 50058s successfully in the interim period before the new reporting guidance is issued, PIH may require corrections to these 50058s and re-submission to PIC.

HUD is encouraging PHAs with operational capacity to continue with the 60-day submission requirement.

CAPITAL FUND OBLIGATION AND EXPENDITURE DATES:

HUD is extending both the obligation and expenditure dates for all open CFP grants by 1 year from the current obligation and expenditure dates.