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Waiver Implementation Plan in Response to PIH NOTICE 2020-05 Issued April 10, 2020

SUBJECT: COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program

CONTINUED OPERATIONS DURING THE COVID-19 NATIONAL EMERGENCY: The waivers implemented through the PIH 2020-05 Notice provide administrative relief and allow for alternative approaches to various aspects of PHA operations. With this flexibility, HUD strongly encourages PHAs to continue using available funding to house families, keep families in their homes, and conduct critical operations that can be done remotely and safely. Some critical functions for PHAs include, but are not limited to issuing vouchers so families can find housing, processing Requests for Tenancy Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, ensuring occupancy of Public Housing units, processing minimum rent hardship exemptions, and completing reexaminations for participants who have experienced a decrease in income.

It is important to note that, for the Public Housing and HCV programs, HUD has not provided waiver authority that would allow tenants to stop paying their portion of the rent as determined by the PHA. Thus, it is critically important for PHAs to have revised procedures in place to allow for the timely completion of interim reexaminations for decreases in family income.

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.

Upon careful review of PIH NOTICE 2020-05 the Troy Housing Authority is selecting for possible implementation the waivers noted on the following pages. However, it is the intent of the Troy Housing Authority to maintain normal operations to the fullest extent possible and only utilize these waivers when extenuating circumstances arise. Staff will not the use of each waiver on the attached log and in notes in the tenant electronic and paper file.

Additionally, the Troy Housing Authority is in the process of modifying our Administrative Plan to transition from Annual to Biennial Inspections which will effectively provide an additional 12 months before inspections are due. This will cause any inspections missed in 2020 during to Coronavirus (COVID-19) Pandemic to not be considered late.

Waiver and Description	Implemented	Period Available
<p>PH and HCV-1: PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements. Due to the potential postponement of public hearings due to limitations on large public gatherings, HUD is waiving the deadline requirements, and providing alternative deadlines. PHA FYE 12/31/20 due date moved from 10/18/20 to 1/16/21</p>	04/11/2020	Through date of submission of Plan.
<p>PH and HCV-2: Family Income and Composition: Delayed Annual Examinations. HUD is waiving this statutory and regulatory requirement to permit PHAs to delay annual reexaminations of HCV and public housing families. However, if the PHA delays annual reexaminations for HCV families under this authority, it <u>must also comply with the alternative requirement regarding the application of an increase in the payment standard amount during the Housing Assistance Payment (HAP) contract term</u> (see HCV-7 below) if applicable, so as not to delay the application of the increased payment standard amount to the family’s HAP calculation.</p>	04/11/2020	All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020.
<p>PH and HCV-4: Family Income and Composition: Interim Examinations. HUD is waiving the requirements to use the income verification hierarchy as described by PIH Notice 2018-18. HUD will allow PHAs to forgo third-party income verification requirements for interim reexaminations, including the required use of EIV. During the allowable period of eligibility, PHAs may consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone (with a contemporaneous written record by the PHA staff person), through an email with a self-certification form by the family, or through other electronic communications. ... PHAs that conduct interim reexaminations under this waiver/alternative requirement will be responsible for addressing any material discrepancies that may arise later. For example, if a tenant self-certified that the tenant lost their job, but later the EIV IVT Report shows the tenant’s employment continued, the PHA must take enforcement action that is consistent with its policies and procedures.</p>	04/11/2020	The period of availability ends on July 31, 2020.
<p>PH and HCV-6: Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension. HUD has made a determination that the circumstances surrounding COVID-19 qualify as “good cause” to extend family contracts, and FSS programs may consider this expanded definition of “good cause” in determining each family’s eligibility for an extension.</p>	04/11/2020	Contract extending using COVID-19 as “good cause” ends on December 31, 2020.
<p>HQS-1: Initial Inspection Requirements. HUD is waiving Initial Inspection requirements and providing an alternative requirement. In order to place the unit under HAP contract and commence making payments, 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 or units in question instead of conducting an initial inspection. This waiver and alternative requirement may be applied to PHA-owned units if the independent entity is unable to inspect.</p>	04/11/2020	Owner self-certification for an initial inspection ends on July 31, 2020 and the actual inspection must be completed by October 31, 2020.

<p>HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option. HUD is waiving the requirement that the PHA must withhold the payment if the NLT repairs are not made in 30 days. Instead, the PHA may provide an extension of up to an additional 30 days to the owner to make the NLT repairs and continue to make payments to the owner during the period of that maximum 30-day extension. If the owner has not made the NLT repairs by the end of the PHA extension period, the PHA must withhold payments.</p>	<p>04/11/2020</p>	<p>The 30 day extension option ends on July 31, 2020. Extensions to make NLT repairs may go beyond July 31, 2020, depending on the extension.</p>
<p>HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option. HUD is waiving the requirement that the PHA must conduct its own inspection of the unit in order to commence making assistance payments under the Initial Inspection – Alternative Inspection option. Under this waiver and alternative requirement, the PHA may commence assistance payments at the beginning of the lease term based on the alternative inspection and 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. This initial inspection option is available to the PHA for both tenant-based units and project-based units. This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.</p>	<p>04/11/2020</p>	<p>The period of availability to place a unit under HAP contract and start payments ends on July 31, 2020. The period of availability for the PHA to inspect a unit placed under HAP contract under this waiver is October 31, 2020.</p>
<p>HQS-6: HQS Interim Inspections. HUD is waiving the requirement for Interim Inspections within 24 hours of notification of a life threatening condition and establishing an alternative requirement for both tenant-based and PBV units. If the reported deficiency is life-threatening, 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 (e.g., text or email a photo to the PHA) that the reported deficiency does not exist. In the case of a reported 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 or any approved PHA extension.</p>	<p>04/11/2020</p>	<p>Ends July 31, 2020. After July 31, 2020, the PHA must conduct the HQS inspection based on the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.</p>
<p>HQS-7: PBV Turnover Unit Inspections. The regulation requires that before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit. HUD is waiving this regulatory requirement and providing as an alternative requirement 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 or units in question to allow a new family to occupy the vacated PBV unit. At minimum the PHA must require this owner certification. The PHA is required to conduct the HQS inspection on the unit as soon as reasonably possible, but no later than October 31, 2020. This waiver may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.</p>	<p>04/11/2020</p>	<p>The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on July 31, 2020 and actual inspections must be completed by October 31, 2020.</p>

<p>HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units. HUD is waiving the HQS inspection requirement. In order to substitute or add a new unit to the PBV HAP contract, 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 or units in question instead of conducting an initial inspection. At minimum, the PHA must require the owner’s certification.</p>		<p>filling a substitute or add on PBV unit without HQS inspection ends July 31, 2020. Inspections must be completed October 31, 2020.</p>
<p>HQS-9: HQS Quality Control Inspections. The regulations require PHAs to conduct supervisory quality control inspections of a sampling of units under contract. HUD is waiving this regulatory requirement.</p>	<p>04/11/2020</p>	<p>The period of applicability ends on October 31, 2020.</p>
<p>HQS-10: Housing quality standards; Space and Security. HUD is waiving the 1 bedroom or living/sleeping room for each 2 persons requirement for PHAs 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, and the additional family members would result in a unit not meeting the space and security standards. This provision does not apply to an initial/new lease. Participants must not enter a new lease for a unit that does not comply with space and security standards.</p>	<p>04/11/2020</p>	<p>The waiver will be in effect for the duration of the current lease term or one year from the date of this notice, whichever period of time is longer.</p>
<p>HQS-11: Homeownership Option – Initial HQS Inspection. The regulation provides that the PHA may not commence monthly homeownership assistance payments until the PHA has inspected the unit and determined that the unit passes HQS. HUD is waiving this requirement. However, the family is still required to obtain an independent professional inspector in accordance with § 982.631(b) (1) and the PHA is still required to review the independent inspection and has discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report.</p>	<p>04/11/2020</p>	<p>The period of availability ends on July 31, 2020.</p>
<p>HCV-1: Administrative plan. HUD is waiving the requirement to allow the PHA administrative plan to be revised on a <u>temporary basis</u> without Board approval. As an alternative requirement any informally adopted revisions under this waiver authority must be formerly adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.</p>	<p>04/11/2020</p>	<p>The period of availability ends on July 31, 2020.</p>
<p>HCV-2: Information When Family is Selected - PHA Oral Briefing. The regulation requires when the PHA selects a family to participate in either the HCV or PBV program, the PHA must give the family an oral briefing. HUD is waiving this requirement and as an alternative requirement allowing the PHA to conduct the briefing by other means such as a webcast, video call, or expanded information packet.</p>	<p>04/11/2020</p>	<p>The period of availability ends on July 31, 2020.</p>
<p>HCV-3: Term of Voucher – Extensions of Term. The regulation provides that the PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan. HUD is waiving the requirement that the extension(s) must be accordance with the PHA’s administrative plan in order to allow the PHA to provide extensions even though it has been unable to formally amend its policy in the administrative plan.</p>	<p>04/11/2020</p>	<p>The period of availability ends on July 31, 2020.</p>

<p>HCV-4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed. The regulation provides that PHA must use best efforts to execute the HAP contract before the beginning of the lease term and that the HAP contract must be executed no later than 60 days from the beginning of the lease term. Any HAP contract executed after the 60-day period is void and the PHA may not pay any housing assistance payments to the owner. HUD is waiving the regulatory requirement to allow PHAs to execute the HAP contract after the 60-day deadline has passed and make housing assistance payments back 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.</p>	04/11/2020	The period of availability to execute the HAP contract after the normally 60-day period from the beginning of the lease term ends on July 31, 2020.
<p>HCV-5: Absence from Unit. The regulation requires that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HUD is waiving this regulatory requirement to allow the PHA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members).</p>	04/11/2020	Ends December 31, 2020.
<p>HCV-6: Automatic Termination of HAP contract. In recognition that the COVID-19 emergency is creating economic and employment instability for many families, as well as situations where families may on a temporary basis be adding members whose additional income may result in a \$0 HAP subsidy calculation, HUD is waiving this requirement. As an alternative requirement, the PHA, upon 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 of the HAP contract. The extension beyond the normally applicable 180 days is determined by the PHA but may not extend beyond December 31, 2020.</p>	04/11/2020	The period of availability for the extension ends December 31, 2020. The PHA may not extend the HAP contract beyond December 31, 2020.
<p>HCV-7: Increase in payment standard under HAP contract term. The regulation requires that if the payment standard amount increases during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family’s first regular reexamination on or after the effective date of the increase in the payment standard amount. <u>HUD is waiving this requirement and as an alternative requirement allowing the PHAs to apply the increased payment standard at any time (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family’s first regular reexamination following the change. Note that if the PHA delayed the family’s annual recertification under the waiver authority described earlier in PH and HCV-2, the PHA must use the increased payment standard amount to calculate the family’s HAP beginning the date that the family’s first regular examination would have been effective in the absence of the waiver.</u> Alternatively, the PHA may conduct an interim reexamination where the only change is the increased payment standard amount.</p>	04/11/2020	The waiver period of availability ends on December 31, 2020.

<p>HCV-9: Homeownership Option – Homeownership counseling. While HUD encourages families to continue to complete briefing and counseling sessions that are operational and can be accomplished in accordance with social distancing directives, HUD is waiving these requirements to allow the PHA to permit the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements.</p>	04/11/2020	The period of availability ends on July 31, 2020.
<p>PH-8: Resident Council Elections. The regulations require that resident councils must adhere to minimum standards regarding election procedures, including that all procedures must assure fair and frequent elections of resident council members—at least once every three years for each member. HUD recognizes conducting resident council elections may not be possible as a result of COVID-19 public health actions. HUD is waiving the regulation to allow PHAs to delay resident council elections beyond the three-year limit if necessary. However, the delayed resident council election must be rescheduled and held as soon as possible once circumstances permit, after July 31, 2020.</p>	04/11/2020	The period of availability of this waiver ends on July 31, 2020.
<p>PH-10: Tenant Notifications for Changes to Project Rules and Regulations. PHAs are required by this regulation to provide 30-day notice to impacted families for changes to policies, rules and special charges to families. HUD is waiving the requirement to provide such advance notice, except advance notice must be provided for any changes related to tenant charges. Although HUD is waiving the advanced notice, PHAs must still provide adequate notification to impacted families within 30 days of making such changes.</p>	04/11/2020	The period of availability of this waiver ends on July 31, 2020.
<p>SEMAP. Part 985 sets out the requirements by which Section 8 tenant-based assistance programs are assessed. For PHAs that have a SEMAP score pending as of the date of this notice, and for any PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new SEMAP score unless the PHA requests a that new SEMAP score be issued. HUD will instead carry forward the most recent SEMAP score on record.</p>	04/11/2020	HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of March 31, 2021.
<p>Uniform financial reporting standards; Filing of financial reports; Reporting Compliance Dates. Section 5.801(d)(1) requires that PHAs submit their unaudited financial statements not later than 60 calendar days after the end of their fiscal year, and that PHAs submit their audited financial statements not later than 9 months after the end of their fiscal year.</p> <p>Unaudited Financial Statements for PHAs with FYE of 12/31/19 were due on 2/29/2020 are extended to 8/31/2020 (THA has already submitted the Unaudited Financial Statements)</p> <p>Audited Financial Statements for PHAs with FYE of 12/31/19 were due on 9/30/2020 are extended to 3/31/2021</p>	04/11/2020	Varies by PHA by FYE, see description for details.

<p>PHA Reporting Requirements on HUD Form 50058. PHAs must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058. Although this waiver provides up to 90 days for PHAs to submit HUD-50058 forms into IMS-PIC, HUD encourages those PHAS that have operational capacity to do so to continue submitting HUD-50058 forms within the normal 60-day timeframe.</p>	04/11/2020	The period of availability ends December 31, 2020.
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