

HUD PIH NOTICE 2020-13, PIH NOTICE 2020-33, PIH NOTICE 2021-14

Adopted HUD Waivers for Public Housing and Housing Choice Voucher Program- June 17, 2021

1. PH & HCV 2- Family Income and Composition: Delayed Annual Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR 982.516 (a)(1)- HCV

Regulatory Authority: 24 CFR 960.257 (a)- Public Housing

- HUD is waiving this statutory and requirement to permit PHAs to delay annual reexaminations of HCV and public housing families. However, if the PHA delays annual reexaminations for HCV under this authority, it must comply with the alternative requirement regarding the application of an increase in the payment standard amount during the Housing Assistance Payment (HAP) contract term (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. All annual reexaminations due in Calendar Year 2021 (CY20) must be completed by 12/31/21. All annual reexaminations that were due in CY 2020 must have been completed by December 31, 2020.

2. PH & HCV 3-Family Income and Composition: Annual Examination; Income Verification Requirements

Regulatory Authority: 24 CFR 5.233 (a)(2)-HCV and Public Housing

Regulatory Authority: 24 CFR 960.259 (c)- Public Housing

Regulatory Authority: 24 CFR 982.516 (a)- HCV

Sub-regulatory Guidance: Notice PIH 2018-18

- HUD is waiving the requirements to use the income hierarchy, described by Notice PIH 2018-18 and will allow PHA's to forgo third-party income verification requirements for annual reexaminations, including the use of EIV, if the PHA wishes to conduct the annual recertification rather than delaying the family's annual recertification (as permitted under PH and HCV-2 above). Available until December 31, 2021.

3. PH & HCV 4 Family Income and Composition: Interim Examinations

Statutory Authority: Section 3 (a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR 5.233(a)(2)- HCV and Public Housing

Regulatory Authority: 24 CFR 982.516 (c)(2)- HCV

Regulatory Authority: 24 CFR 960.257(a), (b), and (d); 960.959 (c)- Public Housing

Sub-regulatory Guidance: Notice PIH 2018-18

- To assistant PHAs that may be prioritizing the processing of interim reexaminations due to decreases in family income and mitigate the challenges of transferring documentation during periods of shelter-in- place/ stay –at-home efforts in response to the COVID-19 pandemic, HUD is waiving the requirement to use income verification hierarchy as described by Notice PIH 2018-18. HUD will allow PHAs to forgo third-part 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, through an email with a self-certification form by the family, or through other electronic communications. Available until December 31, 2021.

Housing Choice Voucher Waivers:

4. HQS 1- Initial Inspection Requirements

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o) (8)(C) of the USHA of 1937

Regulatory Authority: 24 CFR 982.305(a), 982.305(b), 982.405

- HUD is waiving the requirement for initial HQS inspections 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 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 this owner certification. However, the PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so. The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than June 30, 2022. The period of availability for a PHA to accept an owner's self-certification for an initial inspection ends December 31, 2021. For any unit for which a PHA accepted an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible no later than June 30, 2022.

5. HQS 3- Initial Inspection: Non-Life Threatening Deficiencies (NLT) Option

Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016:

Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (published January 18, 2017).

- HUD is waiving the requirement that the PHA must withhold the payment if the NLT repairs are not made in 30days. Instead, the PHA may provide an extension of up to an additional 30days 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. Available for PHA to approve an extension of up to an additional 30 days ends on December 31, 2021. The extension to make the NLT repairs may extend beyond December 31, 2021, depending on the date the PHA approved an extension. For example, if the PHA approved the extension on December 15, 2021, the maximum extension provided to the owner would be January 14, 2022.

6. HQS 4- Initial Inspection Requirement: Alternative Inspection Option

Statutory Authority: Section 8 (o)(8)(A)(iii) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016:

Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (published January 18, 2017).

- 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 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. At minimum, the PHA must require owner certification. The PHA must conduct the HQS inspection for the unit for which it has commenced assistance payments under this waiver authority as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification. The period of availability for the waiver to place a unit under HAP contract and commence payments ends on December 31, 2021. For any unit for which a PHA entered into a HAP contract and commenced payment pursuant to this alternative requirement, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary date of the date of the owner's certification.

7. HQS 6- Interim Inspection

Statutory Authority: Section 8 (o)(8)(f) of the USHA of 1937

Regulatory Authority: 24 CFR 982.405(g), 983.103(e)

- HUD is waiving the requirement and has established alternative requirements 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. Available until December 31, 2021. After December 31, 2021, the PHA must conduct the HQS inspection in accordance with the applicable time periods upon notification by the family or government official that the assisted unit does not comply with the HQS.

8. HQS 7- PBV Turnover Unit Inspections

Regulatory Authority: 24 CFR 983.103 (c)

- HUD is waiving this regulatory requirement and providing as an alternative requirement the PHA may rely on the owner's verification 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 the 1-year anniversary date of the owner's certification. The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on December 31, 2021. For any unit for which a PHA accepted an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

9. HQS 9- HQS Quality Control Inspection

Regulatory Authority: 24 CFR 982.405(b), 983.103 (e)(3)

- HUD is waiving the regulations requiring PHA's to conduct supervisory quality control inspections of a sampling of units under contract. The period of availability ends on December 31, 2021.

10. HQS 10- Space and Security

Regulatory Authority: 982.401(d)

- HUD is waiving the 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 pandemic, and the additional family members would result in the unit not meeting the space and security standards. This provision does not apply to an initial or new lease. A participant must not enter into a new lease for a unit that does not comply with the space and security standards. For any family occupying a unit that does not meet the space and security requirements pursuant to this waiver, 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 is longer.

11. HQS 11- Homeownership Option: Initial HQS Option

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(y)(3)(B) of the USHA of 1937

Regulatory Authority: 24 CFR 982.631 (a)

- HUD is waiving the requirement that the PHA may not commence monthly homeownership assistance payments until the PHA has inspected the unit and determined that the unit passes HQS. However, 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 for assistance under the homeownership option, because of information in the inspection report. Period of availability ends on December 31, 2021.

12. HCV 2- Information When Family is Selected: PHA Oral Briefing

Regulatory Authority: 24 CFR 982.301(a)(1), 983.252(a)

- HUD is waiving the requirement for an oral briefing. As an alternative requirement, HUD is allowing the PHA to conduct the briefing by other means such as webcast, video call, or an expanded information packet. Period of availability ends on December 31, 2021.

13. HCV- 3- Term of Voucher

Regulatory Authority: 24 CFR 982.303(b)(1)

- HUD is waiving the requirement that the extension(s) must be in accordance with the PHA policy as described in 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. Period of availability ends on December 31, 2021.

Public Housing Waivers:

1. PH-5: Community Service and Self-Sufficiency Requirement (CSSR)

Statutory Authority: Section 12(c) of the USHA of 1937

Regulatory Authority: 24 CFR 960.603(a) and 960.603(b)

- HUD is waiving the requirement that each qualifying adult resident of public housing must contribute 8 hours per month of community service or participate in an economic self-sufficiency program or a combination of both. A family's noncompliance with this service requirement is grounds for non-renewal of the lease at the end of the lease term. HUD is waiving this requirement and is alternatively suspending the community service and self-sufficiency requirement. If a PHA adopts this waiver, tenants will not be subject to this requirement at the family's next annual reexamination. Upon the family's next annual reexamination, PHAs should report on Form HUD-50058 each individual's CSSR status as either exempt for those that are exempt, or pending for those that are otherwise eligible but for which the suspension prevents a housing authority from determining compliance. After a PHA completes an annual reexamination for any family, the CSSR becomes effective again for family members for the subsequent annual reexamination cycle. This waiver is superseded by item **12e**.

2. PH- 9- Review and Revision of Utility Allowances

Regulatory Authority: 24 CFR 965.507

- The regulations require the PHA to review at least annually the basis on which utility allowances have been established and revise allowances if required on the basis of that review. PHAs are encouraged to focus administration on critical program functions. Therefore, HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances. Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed by December 31, 2021.

3. 12e: Community Service and Self-Sufficiency Requirement (CSSR) Suspension

Statutory Requirement: Section 12(c) of the USHA of 1937

Regulatory Authority: 24 CFR 960.603(a), 960.603(b), 960.605(b)(3), 960.607, and 966.4(1)(2)(iii) (D)

- HUD is waiving this requirement and suspending enforcement of the CSSR in an effort to help prevent further spread of Covid-19. This suspension is effective for all adult residents of public housing and is not discretionary for PHAs. This waiver supersedes PH-5 and is applicable regardless of whether the PHA previously adopted PH-5. This waiver does not affect a PHA's prior implementation of PH-5. This waiver will continue the suspension for families for whom the CSSR was suspended under PH-5 in addition to suspending the requirement for all adult residents of public housing. HUD is establishing alternative administration requirements of the CSSR for each PHA operating a public housing program. This waiver is effective for all annual reexaminations completed between the publication date of this notice through April 30, 2022.

PHAS Waivers: Public Housing Assessment System

Regulatory Authority: 24 CFR 902

- HUD will carry forward the most recent PHAS score on record for any PHAs with fiscal year end on or before December 31, 2021.

SEMAP Waivers: Section Eight Management Assessment Program

1. 11b-SEMAP

Regulatory Authority: 24 CFR 985.105

- HUD will carry forward the most recent SEMAP score on record for any PHAs with fiscal year end on or before December 31, 2021.
- Two alternative Requirements related to SEMAP:
 - i. 11b-1: SEMAP Field Office Confirmatory Review
Regulatory Authority: 24 CFR 985.105(d)
Allows field offices to perform remote SEMAP confirmatory review instead of an on-site confirmatory review before changing any rating from troubled to standard or high performer. The period of availability ends on December 31, 2021.
 - ii. 11b-2: SEMAP Certification Timing
Regulatory Authority: 24 CFR 985.101(a)
This waives the requirement for PHA submission of an annual SEMAP certification in the Inventory Management System-PIH Information Center (IMS-PIC) within 60 days of fiscal year end (FYE) during the timeframe HUD is rolling over prior year scores. Period of availability ends on January 1, 2022.