

NLIHC Concerns Regarding PIH and Multifamily Pandemic Policies

June 1, 2020

NLIHC has conveyed to PIH and Multifamily some concerns we, the National Housing Law Project (NHLP), and the National Alliance of HUD Tenants (NAHT) have with PIH's existing waivers and Multifamily's Q&As. The waivers are optional and the Q&As are not requirements either. We think the following must be requirements for both PIH and Multifamily:

- PHAs and owners must be required to treat any nonpayment of rent during the pandemic and for a reasonable period after the emergency as if it was a request for an **interim income recertification**.
 - PIH and Multifamily must provide PHAs and owners a **sample flyer** that explains to residents that they have a right to request an interim income recertification. PIH and Multifamily must require PHAs and owners to provide this flyer to every assisted household.
 - PHAs and owners must be required to **begin the interim income recertification process** as soon as the rent is not paid – and not wait for a resident to request an interim income recertification.
 - PHAs and owners must be required to make the interim income recertification **effective** the first day of the month following the interim income reduction, and be effective **retroactively** if the PHA has not yet applied this requirement (because it is now June and residents started losing income in March).
- PHAs and owners must be required to set **minimum rents to zero** during the pandemic and for a reasonable period after the emergency.
 - If PIH and Multifamily are not willing to do this, then they must at least require PHAs and owners to immediately inform residents who are currently paying minimum rents of their right to apply for a hardship exemption due to income reduction or loss.
 - If a minimum rent is not paid during the pandemic due to a reduction or loss of income, then PHAs and owners must assume there is a hardship and begin processing hardship exemptions right away.
- PIH and Multifamily should require PHAs and owners to allow residents to **self-certify** their income.
- PIH should adopt Multifamily's protocol for addressing **emergency inspections for life-threatening conditions**.
 - A PIH waiver allows a PHA to have a policy that enables a voucher landlord to self-certify that a life-threatening condition reported by a resident either does not exist or was corrected within 24 hours.
 - The waiver does not require an inspection by the PHA or another third party.
 - To make matters worse, the waiver doesn't provide residents an opportunity to tell PIH that they disagree with the landlord's self-certification.
 - Multifamily requires inspections of life-threatening conditions by HUD quality assurance inspectors.

- PIH must require PHAs to automatically **extend the time a voucher household** has to search for a suitable home during the pandemic and for a reasonable period after the emergency is lifted.
- PIH must require PHAs to **waive** their voucher program **space standards** limiting the number of people allowed to live in a home; *and*,
- PIH must require PHAs to **suspend** their **tenant screening requirements** for characteristics such as criminal activity and credit history.
 - For public housing PIH allows this but doesn't require it; PIH does not have a similar waiver for vouchers.
 - These two requirements are necessary to:
 - Support family reunification for people leaving the criminal justice system;
 - Enable families to address the health and safety needs of other family members;
 - Help family members who are survivors of domestic violence;
 - Help families take care of family members who have been evicted from their homes after suffering income reduction or loss.
- PIH must require PHAs to **inform residents** of their **intent to use a waiver** before the waiver is used, at least by informing Resident Advisory Boards (RABs), Resident Councils, and any other resident organizations.