

**SUMMARY OF SELECT WAIVER PROVISIONS OF NOTICE PIH 2020-05  
(THE PIH WAIVER NOTICE)  
MOST IMPORTANT TO RESIDENTS AND ADVOCATES**

April 11, 2020  
National Low Income Housing Coalition

**WAIVERS APPLYING TO PUBLIC HOUSING and HOUSING CHOICE VOUCHERS**

**PHA 5-Year and Annual Plan Submission** (Waiver PH and HCV-1, pages 6 & 7)

PHAs with June 30, 2020 or September 30, 2020 fiscal year-end dates must submit their 5-Year (if due in 2020) and Annual Plans or civil rights certification for “qualified PHAs” no later than October 18, 2020 and PHAs with December 31, 2020 fiscal year-end dates must submit their 5-Year (if due in 2020) and Annual Plans no later than January 16, 2021.

Significant amendments can be made without a meeting of the PHA board of directors that is open to the public. However, changes related to Section 18 demolition/disposition, Section 22 voluntary conversion of public housing to vouchers, the Rental Assistance Demonstration (RAD) are still subject to the substantial amendment requirements.

A PHA is required to notify public housing residents and HCV households of any impacts that a significant amendment might have on them by whatever means it considers most effective as soon as practicable. For example, a PHA might need to initially provide this notification by placing information on its website and as a voice-mail message, followed up with more formal written notice as circumstances allow.

**Family Income and Composition Examinations**

Delayed Annual Examinations (Waiver PH and HCV-2, page 8)

HUD is waiving the requirement for an annual reexamination of family income and composition for both public housing and HCV families. However, if a PHA delays annual reexaminations for HCV families, 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 on page 21 of waiver, page 4 of this summary) to avoid delaying application of the increased payment standard amount to the family’s HAP calculation. All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020.

Annual Examinations – Income Verification Requirements (Waiver PH and HCV-3, pages 8 & 9)

HUD is waiving the requirement that PHAs use the Enterprise Income Verification (EIV) System to verify tenant employment and income during annual income recertifications, if a PHA chooses to conduct annual recertifications instead of using the delay allowed by Waiver PH and HCV-2 above. PHAs may consider using self-certification of income verification to process annual reexaminations. Self-certification may take place over the telephone (but must be documented by PHA staff with a written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. The period of availability ends on July 31, 2020.

Interim Income Examinations (Waiver PH and HCV-4, pages 9 & 10)

HUD is waiving the requirement that PHAs use third-party income verification, including the required use of the Enterprise Income Verification (EIV) System. PHAs may consider using self-certification of income verification to process interim income reexaminations. Self-certification may take place over the telephone (but must be documented by PHA staff with a written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. The period of availability ends on July 31, 2020.

**Waiting List**

Opening and Closing Public Notice (Waiver PH and HCV-7, page 11)

HUD is waiving the requirement that when a PHA opens its waiting list it give the public notice by publishing a notice in a local newspaper of general circulation and also by minority media and other suitable means. A PHA may provide public notice in a voicemail message on its main or general information telephone number and through its website. A PHA must ensure that it uses effective communication with persons with disabilities including persons with hearing, visual, and other communication-related. The period of availability ends on July 31, 2020.

**HOUSING CHOICE VOUCHER (HCV)-SPECIFIC WAIVERS**

**Housing Quality Standards (HQS)**

HQS Initial Inspection Requirements (Waiver HQS-1, pages 12 & 13)

HUD is waiving the requirements relating to a PHA inspecting a HCV-assisted home before any assistance payment is made in order to determine whether a unit meets HQS. To place a unit under a housing assistance payment (HAP) contract and begin making payments, a PHA may rely on an owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in a unit or units in question instead of conducting an initial inspection. At minimum a PHA must require the owner to provide a certification. A PHA may add other requirements or conditions in addition to the owner's certification. A PHA is required to conduct an HQS inspection on a unit as soon as reasonably possible but no later than October 31, 2020.

HQS Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option (Waiver HQS-2, page 14)

A PHA has the option to choose to approve an assisted tenancy, execute a HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of non-life-threatening (NLT) conditions. A PHA must withhold housing assistance payments from the owner if the NLT conditions are not corrected within 30 days.

HUD is waiving the requirement that a PHA withhold the payment if the NLT repairs are not made in 30 days. Instead, a PHA may provide an extension of up to an additional 30 days for an owner to make NLT repairs and a PHA may continue to make payments to an owner during the 30-day extension. If an owner has not made the NLT repairs by the end of an extension period, a PHA must withhold payments. The period of availability ends on July 31, 2020.

Alternate HQS Initial Inspection Option (Waiver HQS-4, page 15)

Under current regulations, a PHA has the option to allow occupancy of a unit before an initial inspection if a unit passed an alternative inspection in the previous 24 months. However, a PHA must inspect a unit within 15 days of a Request for Tenancy Approval (RFTA).

HUD is waiving the requirement that a PHA conduct its own inspection of a unit (tenant-based or project-based) in order to begin making assistance payments under the alternative inspection option. Instead, a PHA may begin assistance payments at the beginning of the lease term based on the alternative inspection and an owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in a unit or units in question. At minimum a PHA must require the owner to provide a certification. A PHA may add other requirements or conditions in addition to the owner's certification. A PHA is required to conduct an HQS inspection on a unit as soon as reasonably possible but no later than October 31, 2020.

HQS Interim Inspections (Waiver HQS-6, page 16)

HUD is waiving current regulatory requirements when a household or government official notifies a PHA that a HCV-assisted home (tenant-based or project-based) is not complying with HQS. Instead, if a reported deficiency is life-threatening, a PHA must notify an owner of the reported life-threatening deficiency and indicate that the owner must either correct the life-threatening deficiency within 24 hours of a PHA notification or provide documentation (e.g., text or email a photo to the PHA) that the reported deficiency does not exist. If a reported deficiency is non-life-threatening, a PHA must notify an 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 a PHA notification or any PHA-approved extension. A PHA may add other requirements or conditions in addition to the owner's documentation. The period of availability ends on July 31, 2020.

HQS Space and Security (Waiver HQS-10, page 18)

HUD is waiving the requirement that each home have at least one bedroom or living/sleeping room for every two people, if a PHA wants to assist a current HCV participant (tenant-based or project-based) that needs to add a member or members to the assisted household as a result of the coronavirus emergency. 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. The waiver will be in effect for the duration of the current lease term or one year from the date of this notice (April 10), whichever period of time is longer.

## **HCV Waivers – General**

### Administrative Plan (Waiver HCV-1, page 19)

HUD is waiving the requirement that any revisions to a PHA’s administrative plan be formally adopted by the PHA’s Board of Commissioners. HUD will allow an administrative plan to be revised on a temporary basis without Board approval. Any informally adopted revisions under this waiver must be formally adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

### Oral Briefing (Waiver HCV-2, page 19)

HUD is waiving the requirement that a PHA give a family an oral briefing when it is selected to participate in either the HCV or PBV program. Instead, a PHA must conduct a briefing by other means such as a webcast, video call, or expanded information packet. A PHA must ensure that the method of communication for the briefing effectively communicates with, and allows for equal participation of, each family member, including those with vision, hearing, and other communication-related disabilities, and ensures meaningful access for persons with limited English proficiency. The period of availability ends on July 31, 2020.

### Extension of the Voucher Search Term (Waiver HCV-3, page 20)

HUD is waiving the requirement that extension(s) of the voucher “term” (the time allowed for a household with a voucher to find and lease a home) must be accordance with a PHA’s administrative plan in order to allow a PHA to provide extensions even though it has been unable to formally amend its policy in the administrative plan. The period of availability ends on July 31, 2020.

### Increase in Payment Standard under HAP Contract Term (Waiver HCV-7, page 21)

HUD is waiving the requirement that when a payment standard amount is increased during the term of a HAP contract, a PHA must use the increased payment standard amount to calculate the monthly housing assistance payment for the family beginning at the effective date of the family’s first regular reexamination. Instead a PHA may 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. The period of availability ends on December 31, 2020.

### Utility Allowance Review and Revision (Waiver HCV-8, page 22)

PHAs may delay reviewing and updating utility allowances (instead of reviewing annually and revising if there has been a change of 10% or more). Reviews and updates must be completed no later than December 31, 2020.

## **PUBLIC HOUSING-SPECIFIC WAIVERS**

### Adoption of Tenant Selection Policies in the ACOP (Waiver PH-4, page 24)

HUD is waiving the requirement that PHA policies in the Admissions and Continued Occupancy Plans (ACOP) be formally approved by the Board of Commissioners. Instead any informally adopted revisions to the ACOP under this waiver must be formally adopted as soon as practicable after June 30, 2020, but no later than July 31, 2020.

### Community Service and Self-Sufficiency Requirements (Waiver PH-5, page 25)

HUD is suspending the community service and self-sufficiency requirement (CSSR). If a PHA adopts this waiver, tenants will not be subject to CSSR until a family's next annual reexamination. At a family's next annual reexamination, a PHA should report on Form HUD-50058 each individual's CSSR status as either exempt (for those who are exempt), or pending for those who are otherwise eligible but for which the suspension prevents a PHA 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. The period of availability ends on March 31, 2021.

### Resident Council Elections (Waiver PH-8, page 26)

HUD is waiving the regulation that there be elections of resident council members at least once every three years for each member. A PHA may 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 reasonably possible once circumstances permit, after July 31, 2020.

### Utility Allowance Review and Revision (Waiver PH-9, page 26)

HUD is waiving the requirement that a PHA review utility allowances at least annually and revise them if required on the basis of the review. PHAs may delay the review and update of utility allowances until the end of 2020.

### Tenant Notifications about Changes to Project Rules and Regulations (Waiver PH-10, page 27)

Current regulations require a PHA to provide 30-day notice to families about changes to policies, rules, and special charges to families. HUD is waiving this requirement. However, advance notice must be provided for any changes related to tenant charges. PHAs must still provide adequate notification to families within 30 days of making such changes. The period of availability ends on July 31, 2020.

## **PHAS and SEMAP**

### Public Housing Assessment System (PHAS) (No waiver number, page 27)

HUD is waiving the PHAS inspection requirement. HUD postponing physical inspections for all PHAs until further notice, except where there is a threat to life or property. HUD will primarily rely on residents' complaints and other sources such as news articles, Congressional inquiries, and field office requests to identify any threat to life or property. HUD will resume issuing new PHAS scores beginning with PHAs that have fiscal year end dates of March 31, 2021.

### Section Eight Management Assessment Program (SEMAP) (No waiver number, page 28)

PHAs that have a SEMAP score pending as of the date of April 10, 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. HUD will resume issuing new SEMAP scores beginning with PHAs that have fiscal year end dates of March 31, 2021.