

SUMMARY OF KEY PROVISIONS
COVID-19 FAQs for PUBLIC HOUSING AGENCIES

Version 5, July 16, 2020

National Low Income Housing Coalition

Operational Concerns: 4.1 General (page 13)

OC3 reaffirms a list of critical functions from [Notice PIH 2020-13 REV1](#) that PHAs should continue to carry out during the pandemic. They 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, completing reexaminations for participants who have experienced a decrease in income, and processing requested Violence Against Women Act (VAWA) emergency transfers, lease bifurcations, and family breakups.

OC11 (page 15) responds to a PHA that indicates residents want family members who are being released from congregate facilities (such as jails, prisons and homeless shelters) to be able to live with them. PIH refers to [Notice PIH 2020-13 REV1](#), which allows PHAs to make temporary changes to standard occupancy limits and the discretion to alter Admissions and Continued Occupancy Policies (ACOPs) and Administrative Plans that may include making changes related to tenant screening criteria and guest policies, without the need for prior board approval. PHAs are reminded of their discretion in establishing tenant screening criteria and taking into account relevant circumstances of applicants' situation before denying assistance.

5.0 Resident Health: Domestic Violence (page 46)

RH12 states that a public housing agency (PHA) can open its waitlist only to applicants who qualify for a homeless or a Violence Against Women Act (VAWA) preference. PIH recognizes that certain populations face increased vulnerability during the coronavirus pandemic and encourages public housing agencies (PHAs) to consider adopting a local preference(s) for admission of individuals and families experiencing homelessness and families that include victims of domestic violence, dating violence, sexual assault, or stalking. RH12 reminds PHAs that [Notice PIH 2012-34](#) provides guidance on how PHAs may open the waiting list only to applicants who qualify for a homeless or VAWA preference.

RH13 reminds PHAs that they can provide a voucher to a public housing tenant requesting a VAWA Emergency Transfer when there are no available public housing units. The regulations [24 CFR 5.2005(e)(7)] require Emergency Transfer plans to include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, as well as a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. PHAs may set a limited preference in their HCV program for VAWA Emergency Transfers from their public housing program. More information on establishing such a preference is in [Notice PIH 2013-15](#).

RH14 (page 47) reaffirms guidance from [PIH Notice 2017-08](#) that a PHA can accept a verbal statement from a tenant or an applicant who wants to self-certify for VAWA protections. PHAs and owners are not required to ask for documentation when an individual presents a claim for VAWA protections; the PHA or owner may instead choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence. HUD recommends that PHAs and owners develop written policies for how and under what circumstances a verbal statement will be accepted.

RH17 (page 48) notes that many survivors of violence, especially domestic violence, may be feeling trapped during the pandemic. Because of job loss, sheltering in place requirements, and restrictions on public transportation, individuals who are in a violent residential situation may feel like they cannot leave.

HUD encourages PHAs to provide notice to residents, including remotely through their website and phone messages, that the PHA can still process requests for protections under VAWA. In addition, HUD suggests reminding individuals that shelter-in-place policies do not require anyone to stay in a violent or unhealthy situation, and that police officers can still visit any facility that is restricting visitors to respond to 911 calls.

HUD also encourages publicizing the National Domestic Violence Hotline (1-800-799-7233), funded by the U.S. Department of Health and Human Services (HHS), where there is more information at www.thehotline.org. HUD also encourages PHAs to reach out to their local social services departments to see what resources are still available during this time.

3.0 Eviction Moratorium (page 6)

EM1 (page 7) adds guidance regarding a tenant's unpaid rent after the eviction moratorium ends on July 24. The household has the option to repay unpaid rent in a lump sum to avoid eviction; however, if the household is unable to pay a lump sum, the PHA or owner is strongly encouraged to set up a repayment agreement with reasonable payments spread over time.

EM16 (page 10) is updated to encourage PHAs to review PIH's "[Eviction Prevention and Stability Toolkit](#)," which provides guidance on repayment agreements, interim income reexamination policies, hardship exemptions, example repayment agreements, a tenant flyer, and an HCV landlord flyer.

To prevent evictions of public housing residents who have fallen behind on rent, PIH at new EM17 strongly encourages PHAs enter into repayment agreements so that families may continue to be housed after the eviction moratorium expires, and so that the family can come back into compliance with the terms of their tenancy. PIH reminds PHAs to review their state and local laws because some are enacting their own moratorium on evictions that may last longer than the 120-day period of the CARES Act.

To prevent evictions of voucher households who have fallen behind on rent, PIH at new EM18 (page 11) strongly encourages owners enter into repayment agreements so that families may continue to be housed after the eviction moratorium expires, and the family can come back into compliance with the terms of their tenancy. *continues*

EM17 *continued*

PIH also notes that a PHA could:

1. Process a retroactive interim income reexamination if the family had a decrease in income;
2. Encourage an owner to enter into a repayment agreement for the unpaid rent; and/or
3. Use CARES Act Administrative fees to offer a retention incentive to owners who, as an alternative to filing the eviction:
 - a. Are willing to work with the family by entering into a repayment agreement; and/or
 - b. Are willing to work with the PHA to give it time to update its interim reexamination policy or retroactive interim income reexaminations.

EM24 (page 12) tells PHAs that they are not permitted to directly pay a tenant's rent or to offer debt forgiveness programs with CARES Act funds, public housing Operating or Capital Funds or HCV funds. For the HCV program, PHAs are allowed to provide owners with retention fees or other incentive fees that may assist in retaining a tenant who may, for example, need to enter into a repayment agreement for unpaid rent.

Operational Concerns: 4.2 Reexaminations and Verification (page 16)

OC14. PIH encourages PHAs to make the effective date of an interim income reexamination effective the month immediately following the family request. (Note, PIH is still triggering an interim income reexamination only when a resident requests one, even though many residents do not know that they have a right to request an interim income reexamination.)

However, PIH also notes that a PHA may adopt a policy that would make the effective date of an interim income reexamination **retroactive** to the first of the month following the date of the **actual decrease in income**, as opposed to the first of the month following the interim reexamination. OC14 acknowledges that a resident might not be able to request an interim income reexamination right away, thus delaying the triggering of an interim income reexamination, due to pandemic-related situations, such as the PHA office being closed, the need for social distancing, hospitalization, caring for a family member, or uncertainty over the permanence of the loss of employment or reduction of working hours.

The HCV regulations require a PHA to adopt policies prescribing how to determine the effective date of a change in the housing assistance payment (HAP) resulting from an interim redetermination (24 CFR 982.516(e)). The public housing program regulations (24 CFR 960.257(d)) require a PHA to adopt admission and occupancy policies regarding annual and interim income reexaminations that must be conducted according to these policies. OC14 ends with, "PIH encourages PHAs to consider implementing interim reexamination policies that allow for retroactive adjustments in response to the COVID-19 pandemic."

Operational Concerns: 4.3 Income, Stipends, Pay, and Benefits (page 18)

OC28 (page 19) states that because the \$600 CARES Act unemployment bonus is not counted as part of the family's adjusted income in determining tenant rent, it would also not be included in the calculation to determine whether a unit is initially affordable for a household according to the new lease up (40%) rule.

OC30 (page 20) addresses situations in which residents experience a mandatory unpaid furlough or a decrease in wage income, who are now eligible for and are receiving unemployment benefits, but still have to pay childcare expenses to maintain their slot with their regular childcare provider when they are able to return to work. PIH allows a PHA or owner to continue to provide a deduction for childcare expenses when calculating income.

Operational Concerns: 4.11 Privacy Act and PII

OC82 (page 37) reaffirms the new requirement on the Summary page of the [Notice PIH 2020-13, REV-1](#) that PHAs must post publicly or otherwise make available to the public a list of all waivers and alternative requirements a PHA chooses to apply, in addition to notifying affected residents and owners of the impact of applicable waivers and alternative requirements. Posting could be on a website, a PHA's social media page, or on a bulletin board in the PHA office.

Operational Concerns: 4.6 Public Housing (page 24)

OC43 declares in no uncertain terms that public hearings still required for PHA Annual Plan submissions. PHAs are permitted to hold such meetings remotely or online provided they can accept and post answers to questions submitted during the meeting. PHAs must ensure they can comply with Section 504 of the Americans with Disability Act. PHAs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

OC44 (page 25) also reaffirms that public hearings are still required for Capital Fund 5 Year Action Plan submissions. PHAs are permitted to hold such meetings remotely or online provided they can accept and post answers to questions submitted during the meeting. PHAs must ensure they can comply with Section 504 of the Americans with Disability Act. PHAs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

OC5 (page 26) refers to [Notice PIH 2020-13, REV-1](#) waiver PH-12 that waived the requirement that PHAs must inspect each project during calendar year (CY) 2020. However, PIH adds that this waiver does not mean that the PHA is not responsible for providing safe housing. PIH reminds PHAs that they must quickly identify, respond to, and address serious conditions that could jeopardize life or property. PIH encourages PHAs that choose not to utilize this waiver, or that wish to conduct inspections on a more limited basis to consider establishing and maintaining methods of performing remote, video-assisted, or "virtual" inspections to identify maintenance needs, especially for units that may not be inspected this year. PHAs should also consider using electronic means (such as videoconferencing, text messaging, and email) of receiving maintenance requests and reports of life-threatening safety concerns directly from residents to minimize in-person interactions.

Operational Concerns: 4.7 Voucher Programs (page 27)

OC59 (page 28) indicates that PHAs may choose to resume HQS inspections any time they believe it is safe. PHAs have the option of applying the waivers in PIH 2020-05, REV-1 related to HQS inspections until the period of availability expires (currently December 31, 2020). PIH encourages PHAs to perform remote video inspections, RVIs (see next topic).

Operational Concerns: 4.12 Remote Video Inspections, RVI (page 39)

OC89 (page 39) of the fifth *Update* mostly repeats the May 29 *Update* that introduced the possibility of using Remote Video Inspections (RVIs) at OC45 (page 25) to meet inspection requirements for the Housing Choice Voucher (HCV) and Public Housing programs. RVI is a regular Housing Quality Standards (HQS)/public housing inspection performed remotely by a “proxy” inspector with the PHA HQS/PH inspector remotely directing the inspection. PIH will issue additional guidance on best practices for PHAs. PIH envisions that once there is more experience with RVI, it could be used by PHAs in the future and not just during the pandemic.

OC90 further explains that an RVI is a method of conducting a housing inspection using video or digital picture technology, performed by a person other than the PHA public housing or HQS inspector. OC95 (page 40) explains that the PHA must approve the proxy inspector who operates under the direction of the HQS inspector. A proxy inspector may be the owner, owner’s representative, or a resident.

6.0 Eligible Uses of Funds (page 49)

Eligible Uses: 6.2 Public Housing Program (page 52)

EU24 (page 55) responds to a PHA that asked if it could cover our lost public housing rental revenue with the supplemental CARES Act funds. PIH is required to process requests for interim income reexaminations that reflect residents’ reduced or lost income with such lost income; therefore, a PHA should not have significant Tenant Accounts Receivable due to the coronavirus. However, residents are still responsible for all rents. If residents still cannot pay rent, PHAs can set up repayment agreements to catch up on unpaid rent. The CARES Act eviction moratorium prohibits pursuing evictions or assessing fees for unpaid rent until July 24, 2020.

Operational Concerns: 4.10 Repositioning/RAD (page 33)

OC80 (page 36) reminds PHA how they should communicate with residents about the Rental Assistance Demonstration (RAD) conversion process, Section 18 demolitions/dispositions, and Section 22 voluntary conversions of public housing to vouchers. PIH states that it is still critical for PHAs and owners to keep residents informed about any changes to their housing, their rights, and the timing of key events related to the conversion, demolition, or disposition, and for residents to have the opportunity to provide comments as required at different stages of the process.

PIH's Special Applications Center (SAC) has additional details on the required resident meetings and options for meeting these requirements at www.hud.gov/program_offices/public_indian_housing/centers/sac/coronavirus_impacts.

In addition, PIH point to Q5 in the [Multifamily RAD Q&A for COVID-19](#) which provides recommendations about how to carry out required resident meetings as well as maintain ongoing resident engagement.