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Resolution to Amend the Administrative Plan Regarding HUD Statutory and Regulatory Waivers Related to COVID-19

The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program.

On April 10, 2020, HUD issued PIH Notice 20-05 called COVID-19 Statutory and Regulatory Waivers for 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. The Notice states:

> "Pursuant to the authority provided under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136), HUD is waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Public Housing program, Housing Choice Voucher (HCV) program, Indian Housing Block Grant (IHBG) program, and Indian Community Development Block Grant (ICDBG) program. These waivers provide administrative flexibilities and relief to public housing agencies (PHAs), Indian tribes, and tribally designated housing entities (TDHEs) in response to the COVID-19 national emergency. With respect to the Public Housing and HCV programs, use of these waivers is at the discretion of the PHA; however, HUD strongly encourages PHAs to utilize any and all waivers and alternative requirements as necessary to keep public housing and HCV programs operational to the extent practicable."
>
> "This notice also provides information on additional actions HUD is taking, including the temporary suspension of the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP)."

Ann Arbor Housing Commission management staff have reviewed the Notice and are recommending that all of the waivers that are applicable to the AAHC be adopted by the Board. The Notice indicates that these waivers are effective as of the date of the Notice, April 10, 2020. The AAHC Executive Director, Jennifer Hall, directed her staff to implement nearly all of the HUD waivers on or about March 13, 2020 prior to the HUD Notice based on Governor Whitmer's Stay Home Stay Safe Order and the decision by the City of Ann Arbor to order all essential City employees to telework if they had the capacity to telework.

The AAHC shut its offices to the public on March 13, 2020 and communicated the impact and processes to its tenants via mail, website and notices left on the front door of AAHC offices. In addition, AAHC staff contacted tenants directly by phone and email who were impacted by the state shut-down through income loss or because they were in the middle of leasing a new unit

or were in the process of completing an annual or interim income certification. The actions taken by AAHC staff beginning in mid-March in response to the pandemic are no different than the waivers approved by HUD on April 10th and will not negatively impact tenants. On the contrary, these actions were taken to benefit tenants and staff recommend that the board adopt HUD's waivers retroactively to March 13, 2020.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends
PH and HCV-1 PHA 5-Year and Annual Plan	Statutory Authority Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h) Regulatory Authority § 903.5(a)(3), 903.5(b)(3), 903.21	• Alternative dates for submission • Changes to significant amendment process	• Varies based on FYE • 7/31/20
PH and HCV-2 Family income and composition - delayed annual reexaminations	Statutory Authority Section 3(a)(1) Regulatory Authority § 982.516(a)(1), § 960.257 (a)	• Permits the PHA to delay the annual reexamination of income and family composition • HCV PHAs must implement HCV-7 for impacted families if they implement this waiver	• 12/31/20
PH and HCV-3 Annual	Regulatory Authority § 5.233(a)(2)	• Waives the requirements to use the income	• 7/31/20

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reexamination Income Verification	Sub-regulatory Guidance PIH Notice 2018-18	hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification • PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later	

PH and HCV-4 Interim reexaminations	Statutory Authority Section 3(a)(1) Regulatory Authority § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d) Sub-regulatory Guidance PIH Notice 2018-18	• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations	• 7/31/20
PH and HCV-5 EIV System Monitoring	Regulatory Authority § 5.233 Sub-regulatory Guidance	• Waives the mandatory EIV monitoring requirements.	• 7/31/20

Item	**Statutory and regulatory waivers**	**Summary of alternative requirements**	**Availability Period Ends**
	PIH Notice 2018-18		
PH and HCV-6 FSS Contract of Participation	Regulatory Authority § 984.303(d)	• Provides for extensions to FSS contract of participation	• 12/31/20
PH and HCV-7 Waiting List	Regulatory Authority § 982.206(a)(2) PIH Notice 2012-34	• Waives public notice requirements for opening and closing waiting list • Requires alternative process	• 7/31/20
HQS-1 Initial inspection	Statutory Authority Section 8(o)(8)(A)(i), Section 8(o)(8)(C) Regulatory Authority § 982.305(a), 982.305(b), 982.405	• Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies • Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.	• 7/31/20 • 10/31/20
HQS-2: PBV Pre-HAP Contract Inspections, PHA acceptance of completed units	Statutory Authority: Section 8(o)(8)(A) Regulatory Authority: §§ 983.301(b), 983.156(a)(1)	• Changes inspection requirements, allowing for owner certification that there are no life- threatening deficiencies • Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.	• 7/31/20 • 10/31/20

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends
HQS-3 Non-Life Threatening HQS - Initial Unit Approval	Statutory Authority Section 8(o)(8)(A)(ii) Regulatory Authority HOTMA HCV Federal Register Notice January 18, 2017	• Allows for extension of up to 30 days for owner repairs of non-life threatening conditions	• 7/31/20
HQS-4 Initial HQS - Alternative Inspections	Statutory Authority Section 8(o)(8)(A)(iii) Regulatory Authority HOTMA HCV Federal Register Notice January 18, 2017	• Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies • Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.	• 7/31/20 • 10/31/20
HQS-5 Biennial Inspections	Statutory Authority Section 8(o)(D) Regulatory Authority §§ 982.405(a), 983.103(d)	• Allows for delay in biennial inspections • All delayed biennial inspections must be completed as soon as reasonably possible but by no later than October 31, 2020.	• 10/31/20

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends
		by no later than October 31, 2020.	
HQS-6 Interim Inspections	Statutory Authority Section 8(o)(8)(F) Regulatory Authority §§ 982.405(g), § 983.103(e)	• Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods	• 7/31/20

HQS-7 PBV Turnover Inspections	Regulatory Authority § 983.103(c)	• Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection	• 7/31/20 • 10/31/20
HQS-8: PBV HAP Contract - HQS Inspections to Add or Substitute Units	Statutory Authority Section 8(o)(8)(A) Regulatory Authority §§ 983.207(a), 983.207(b)	• Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection	• 7/31/20 • 10/31/20

Item	**Statutory and regulatory waivers**	**Summary of alternative requirements**	**Availability Period Ends**
HQS-9 HQS QC Inspections	Regulatory Authority § 982.405(b)	• Provides for a suspension of the requirement for QC sampling inspections	• 10/31/20
HQS--10 HQS Space and Security	Regulatory Authority § 982.401(d)	• Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.	Remains in effect one year from lease term or date of notice, whichever is longer
HQS-11 Homeownership HQS	Statutory Authority Section 8(o)(8)(A)(i), Section 8(y)(3)(B) Regulatory Authority § 982.631(a)	• Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments • Requires family to obtain independent professional inspection •	• 7/31/20
HCV-1 Administrative Plan	Regulatory Authority § 982.54 (a)	• Waives the requirement to adopt revisions to the admin plan	• 7/31/20

HCV-2 PHA Oral Briefing	Regulatory Authority § 982.301(a)(3) § 983.252 (a)	• Waives the requirement for an oral briefing • Provides for alternative methods to conduct required voucher briefing	• 7/31/20

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HCV-3 Term of Voucher - Extensions of Term	Regulatory Authority § 982.303(b)(1)	• Allows PHAs to provide voucher extensions regardless of current PHA policy •	• 7/31/20
HCV-4 PHA Approval of Assisted Tenancy	Regulatory Authority § 982.305(c)	• Provides for HAP payments for contracts not executed within 60 days • PHA must not pay HAP to owner until HAP contract is executed	• 7/31/20
HCV-5 Absence from unit	Regulatory Authority § 982.312	• Allows for PHA discretion on absences from units longer than 180 days • PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days	• 12/31/20
HCV-6 Automatic Termination of the HAP Contract	Regulatory Authority § 982.455	• Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.	• 12/31/20

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends

HCV-7 Increase in Payment Standard	Regulatory Authority § 982.505(c)(4)	• Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination to do so.	• 12/31/20
HCV-8 Utility Allowance Schedule	Regulatory Authority § 982.517	• Provides for delay in updating utility allowance schedule	• 12/31/20
HCV-9 Homeownership Counseling	Statutory Authority Section 8(y)(1)(D) Regulatory Authority § 982.630, 982.636(d)	• Waives the requirement for the family to obtain pre-assistance counseling	• 7/31/20
HCV-10 FUP	Statutory Authority Section 8(x)(2)	• Allows PHAs to increase age to 26 for foster youth initial lease up	• 12/31/20

PH-8 Resident Council Elections	Regulatory Authority § 964.130(a)(1)	• Provides for delay in resident council elections	• 7/31/20
PH-9 Utility Allowance	Regulatory Authority § 965.507	• Provides for delay in updating utility allowance schedule	• 12/31/20
PH-10 Tenant notifications	Regulatory Authority § 966.5	• Advance notice not required except for policies related to tenant charges	• 7/31/20

Item	**Statutory and regulatory waivers**	**Summary of alternative requirements**	**Availability Period Ends**
11b SEMAP	Regulatory Authority 24 CFR Part 985	• PHA to retain prior year SEMAP score unless requests otherwise	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21

12a Form HUD 50058	Regulatory Authority 24 CFR Part 908, § 982.158 Sub-regulatory Guidance PIH Notice 2011-65	• Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action	• 12/31/20

...Staff

Prepared and approved by: Jennifer Hall, Executive Director Ann Arbor Housing Commission

WHEREAS, The Ann Arbor Housing Commission's Housing Choice Voucher Administrative Plan details its policies and procedures for the management of its Housing Choice Voucher (HCV) Program; and

WHEREAS, HUD issued PIH Notice 2020-05 on April 10, 2020 which includes COVID-19 regulatory and statutory waivers for Public and Indian Housing programs, including the Housing Choice Voucher program; and

WHEREAS, The AAHC implemented most of the authorized HUD waivers on March 13, 2020 when Governor Whitmer issued a Stay Home Stay Safe Order and the City of Ann Arbor ordered all essential City employees to telework if they had the capacity to telework; and

WHEREAS, The regulatory and statutory waivers are intended to assist tenants and the AAHC to stay in compliance during the pandemic; and

RESOLVED, that the Board of the Ann Arbor Housing Commission approves all of the waivers listed in the memorandum above to take effect March 13, 2020.