

Background

- On April 1, 2020, HUD issued a memorandum providing **regulatory waivers** for certain requirements associated with:
 - Continuum of Care (CoC) Program
 - Emergency Solutions Grant (ESG) Program
 - Housing Opportunities for Persons with AIDS (HOPWA) Program
 - Consolidated Plan Requirements
- Effective date is March 31, 2020.
- The waivers are intended to help prevent the spread of COVID-19 and **to provide additional supports to individuals and families** eligible for assistance who are **economically impacted by COVID-19**

Submitting and Documenting Waivers

- Recipients wishing to utilize any of the waivers provided should **notify their local CPD Director, by email**, of their intent to utilize a specific waiver **two days** before they anticipate using the flexibility.
- Grantees are strongly encouraged to establish a set of **emergency policies and procedures** for use during the COVID situation. This should outline the waivers they are utilizing and describe the records they will maintain to support those waivers.



CoC Program Waivers

The following waivers are available for the CoC Program:

1

Fair Market Rent for Individual Units and Leasing Costs

24 CFR 578.48(b)(2)

2

Disability Documentation for Permanent Supportive Housing (PSH)

24 CFR 578.103(a) and 578.103(a)(4)(i)(B)

3

Limit on Eligible Housing Search and Counseling Services

24 CFR 578.53(d) and 578.53(e)(8)(ii)(B)

4

Permanent Housing-Rapid Re-housing Monthly Case Management

24 CFR 578.37(a)(1)(ii)(F)

5

Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

24 CFR 578.75(b)(1)

6

HQS – Re-Inspection of Units

24 CFR 578.75(b)(2)

7

One Year Lease Requirement, Definition of Permanent Housing

24 CFR 578.3 and 578.51(i)(1)

Fair Market Rent for Individual Units and Leasing Costs

Requirement	Applicability	Other Provisions
Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).	For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing	The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2)

Fair Market Rent for Individual Units and Leasing Costs

Suggested Recipient Documentation

- 1) Documentation that FMR limits are impeding grantee's ability to find units for clients as a result of COVID-19;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A copy of the lease clearly displaying the date of execution;
- 2) A note to file noting the date of the COVID-19 Memorandum and its application to the client's lease;
- 3) A completed rent reasonableness analysis.

Disability Documentation for Permanent Supportive Housing

Requirement	Applicability	Other Provisions
<p>A recipient providing PSH must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.</p>	<p>For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the requirement to have third party documentation of disability that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program</p>	<p>For the purposes of individuals and families housed in PSH from the date of this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5)</p>

Disability Documentation for Permanent Supportive Housing

Suggested Recipient Documentation

- 1) Documentation of COVID-19 related constraints preventing collection of disability documentation such as shelter-in-place orders or office closures;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) Copies of certifications;
- 2) A note in the files of affected clients outlining application of the waiver and compliance with the timeframe.

Limit on Eligible Housing Search and Counseling Services

Requirement	Applicability	Other Provisions
With respect to program participant's debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.	For the 1-year period beginning on the date of the waiver memorandum (3/31/2020), the limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of program participant's rent arrears, when those arrears make it difficult to obtain housing	Only applies when those arrears make it difficult to obtain housing

Limit on Eligible Housing Search and Counseling Services

Suggested Recipient Documentation

- 1) Emergency recordkeeping policies and procedures outlining how grantee will define “difficulty obtain[ing] housing”;
- 2) Copy of waiver notification sent to HUD

Suggested Client Level Documentation

- 1) Documentation demonstrating the client’s inability to obtain housing as a direct result of rent and utility arrears.

Permanent Housing-Rapid Re-housing Monthly Case Management

Requirement

Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly.

Applicability

For 2-month period beginning on the date of the waiver memorandum (3/31/2020), the requirement in 24 CFR 578.37(a)(1)(ii)(F) that requires program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects

Permanent Housing-Rapid Re-housing Monthly Case Management

Suggested Recipient Documentation

- 1) Documentation of limited staff capacity, shelter-in-place order, or similar COVID-19 related impediment;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A note in the files of affected clients outlining application of the waiver.

Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Requirement	Applicability	Other Provisions
<p>Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.</p>	<p>For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), this waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect</p>	<p>Recipients and subrecipients must meet both the following criteria:</p> <ul style="list-style-type: none">• The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before assistance is provided; and• The recipient or subrecipient has written policies to physically reinspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary

Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Suggested Recipient Documentation

- 1) Emergency recordkeeping policies and procedures that outline the reinspection process;
- 2) Copy of waiver notification sent to HUD

Suggested Client Level Documentation

- 1) A completed HQS inspection form noting the method of observation, date, and a reference to the waiver;
- 2) By the 3-month deadline, a completed on-site inspection.

HQS – Re-Inspection of Units

Requirement

Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.

Applicability

For the 1-year period beginning on the date of the waiver memorandum (3/31/2020), this requirement in 24 CFR 578(b)(2) is waived

HQS – Re-Inspection of Units

Suggested Recipient Documentation

- 1) Copy of waiver notification sent to HUD;
- 2) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A note in the files of affected clients.

One-Year Lease Requirement, Definition of Permanent Housing

Requirement	Applicability	Other Provisions
<p>Program participants residing in PSH and RRH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.</p>	<p>For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the one-year lease requirement is waived</p>	<p>The initial lease term of all leases must be for more than one month</p>

One-Year Lease Requirement, Definition of Permanent Housing

Suggested Recipient Documentation

- 1) Documentation outlining constraints related to 1-year lease requirement;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A notation in the files of affected clients along with a copy of the lease indicating the term.

The Coc cannot submit waivers for our communities, the grantee needs to submit themselves

OR the collaborative applicant can collect hem all and do a group submission

ESG Program Waivers

The following waivers are available for the ESG Program:

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HMIS Lead Activities

24 CFR 576.107(a)(2)

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Re-Evaluations for Homelessness Prevention Assistance

24 CFR 576.401(b)

12

Housing Stability Case Management

24 CFR 576.401(e)

13

Restriction of Rental Assistance to Units with Rent at or Below FMR

24 CFR 576.106(d)(1)

HMIS Lead Activities

Suggested Recipient Documentation

- 1) Documentation of the need to upgrade or enhance the HMIS as a result of COVID-19 and that it met the “necessity” threshold established in the policies and procedures;
- 2) Copy of waiver notification sent to HUD

Re-Evaluations for Homelessness Prevention Assistance

Requirement	Applicability	Other Provisions
<p>Homelessness prevention assistance is subject to re-evaluation of each program participant's eligibility need for assistance not less than once every 3 months.</p>	<p>For up to the 2-year period beginning on the date of the waiver memorandum (3/31/2020), the required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived</p>	<p>The recipient or subrecipient must conduct the required re-evaluations not less than once every 6 months</p>

Re-Evaluations for Homelessness Prevention Assistance

Suggested Recipient Documentation

- 1) Documentation demonstrating need to keep participant housed during COVID-19 pandemic;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A note in the files of affected clients;
- 2) Documentation demonstrating compliance with the 6-month requirement.

Housing Stability Case Management

Requirement

Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.

Applicability

For the 2-month period beginning on the date of the waiver memorandum (3/31/2020), this waiver is in effect

Restriction of Rental Assistance to Units At or Below FMR

Requirement	Applicability	Other Provisions
Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.	For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit	The ESG recipient or subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard

Restriction of Rental Assistance to Units At or Below FMR

Suggested Recipient Documentation

- 1) Documentation that FMR limits are impeding grantee's ability to find units for clients as a result of COVID-19;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A copy of the lease clearly displaying the date of execution;
- 2) A note to file noting the date of this memo and its application to the client's lease; and
- 3) A completed rent reasonableness analysis.

Do not need a waiver for ESG to do physical inspections

Might need to amend PnPs

Ok if landlord does the inspection

SLIDES WILL BE HERE: <https://www.hudexchange.info/news/office-of-environment-and-energy-guidance-in-response-to-covid-19/>

CARES Act will release a new ESG notice

Consolidated Plan Waivers

The following waivers are available for Consolidated Plan requirements:

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Citizen Participation Public Comment Period for Consolidated Plan Amendment

24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); 24 CFR 91.401

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Citizen Participation Reasonable Notice and Opportunity to Comment

24 CFR 91.105(c)(2) and (k); 24 CFR 91.115(c)(2) and (i); 24 CFR 91.401

Citizen Participation Public Comment Period for Consolidated Plan Amendment

Requirement	Applicability	Other Provisions
<p>A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan are subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on substantial amendments.</p>	<p>Through the end of the recipient's 2020 program year, the 30-day minimum for the required public comment period is waived for substantial amendments</p>	<p>Grantees must provide no less than 5 days for public comments on each substantial amendment</p> <p>Any recipient wishing to undertake further amendments to prior year plans following the 2020 program year can do so during the development of its FY 2021 Annual Action Plan</p>

Citizen Participation Public Comment Period for Consolidated Plan Amendment

Suggested Recipient Documentation

- 1) Documentation of the need to expedite the amendment and demonstrating both publication and 5-day comment period;
- 2) A record of all comments received, and responses must be submitted with the amendment;
- 3) Copy of waiver notification sent to HUD;
- 4) Emergency recordkeeping policies and procedures

Citizen Participation Reasonable Notice and Opportunity to Comment

Requirement

As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Applicability

HUD waives 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances

Citizen Participation Reasonable Notice and Opportunity to Comment

Suggested Recipient Documentation

- 1) Policies and procedures including the definition of “reasonable notice and opportunity to comment”;
- 2) Copy of waiver notification sent to HUD

Overview

- \$4 billion for the Emergency Solutions Grants Program to cover or reimburse allowable costs incurred by a State or locality before the award of funding to prevent, prepare for, and respond to COVID-19
 - \$1 billion [released](#) April 3, 2020
 - An additional \$2.96 billion to be released
 - \$40 million for TA
- SNAPs will issue a Notice to further define program requirements

Initial Flexibilities

- No matching requirement
- The funds are not subject to the spending cap on emergency shelter and street outreach
- Up to 10% of the grant can be spent on administrative activities
- At risk of homelessness income eligibility went up from 30% of AMI to very low income for homelessness prevention assistance
- Allows deviation from applicable procurement standards
- Prohibits using any funds to require people experiencing homelessness to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, housing, or other services
- No citizen participation/consultation requirements
- No minimum period of use for emergency shelters
- Extends YHDP 2018 (Round 3) obligation deadlines to 2021

Making Smart Investments with CARES Act Funding

- Promote Integrated Planning (CoC, ESG, CDBG, FEMA)
- Lead with Equity
- Short-term Investments Have Long-term Consequences
- Look Outside the Homeless System for Prevention Resources
- Create Clear Pathways to Permanent Housing Options
- This is a Moment to Do Innovative Things!

Intensive TA Workshops to Support Effective Use of Funding

- 5-week workshop series offering intensive peer-based assistance, including group video conferencing, working sessions, and individual support
- Action-oriented to achieve goals quickly
- Supportive of current community efforts and goals
- Topics available starting in May:
 - System Modeling
 - Modeling housing and service interventions to meet projected needs
 - Consolidated Investment Planning
 - Aligning CARES Act funding for multiple programs with existing resources
 - Reduce Inflow
 - Implementing systemwide housing problem-solving and targeting prevention resources effectively

Random Qs

HQS inspections – can they be waived entirely? **Not at this time,**

ESG be used for hotel rooms: **Yes they are eligible, Falls under ES component, ES must be unavailable for the vouchers to be used**

CoC, isolated due to Covid, ESG dollars could be used - **not clear if eligible**

ESG advance funding? – **you can advance funds; use Part 200 requirements**

CoC – 2020 Competition – **looking at options, no answers yet**

If you want to change populations, you will need to do a grant amendment, **more details coming soon**

Waiver doesn't automatically need to change written standards, but if you are changing population types it's recommended

Notice coming for flexibility for older funds (ESG)

Waivers – do you wait for a response from field office – no requirement to wait for response, wait 48 hrs and you can use the waiver