



## COVID-19 ACOP Adjunct for FY2020

Revision Date	Revision Detail
<b>April 24, 2020</b>	
<b>July 15, 2020</b>	Addition of Annual Inspection Waiver and extensions of all other waivers through December 31, 2020

**Purpose:**

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.

COVID-19 Waivers and Policies noted below will override current Admissions and Continued Occupancy Plan regulations and policies. The COVID-19 policy will expire when the COVID-19 waiver expires, unless noted otherwise in the COVID-19 policy. All COVID-19 waiver end dates are subject to change based upon potential future waiver modifications from HUD.

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## **PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements**

### **Current Regulation and Policy:**

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#### 1-III.C. UPDATING AND REVISING THE POLICY

The PHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of the PHA, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

#### Homes for Good Policy

Homes for Good will review and update the ACOP as needed to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

### **COVID-19 Waiver PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements**

Due to the potential postponement of public hearings due to limitations on large public gatherings, HUD is waiving these requirements, and providing alternative deadlines for some PHAs. Specifically, HUD is establishing an alternative requirement under which PHAs with 6/30/20 or 9/30/20 fiscal year-end (FYE) dates must submit their 5-Year (if due in 2020) and Annual Plans or civil rights certification for qualified PHAs no later than 10/18/20 (75 days before 1/1/21) and PHAs with 12/31/20 FYE dates must submit their 5-Year (if due in 2020) and annual plans no later than 1/16/21(75 days before 4/1/21). Please see the chart below:

PHA FYE	Revised Submission Requirement	Revised Due Date
6/30/20 and 9/30/20	75 days before 1/1/21	10/18/20
12/31/20	75 days before 4/1/21	1/16/21

Unless HUD subsequently revises this waiver authority and alternative requirement, PHAs with FYE dates of 3/31 are not impacted by this waiver and are required to submit the 5-Year (if due in 2020) and Annual Plan no later than 75 days before the commencement of their fiscal years.

In addition, the statute and regulations further provide that a significant amendment or modification to the Annual Plan may not be adopted until the PHA has duly called a meeting of its board of directors (or similar governing body) and the meeting, at which the amendment or modification is adopted, is open to the public, and that notification of the amendment or modification is provided to and approved by HUD.



HUD is waiving these requirements and establishing an alternative requirement that any change to a PHA policy, except for changes related to Section 18, Section 22, or the Rental Assistance Demonstration (RAD), that would normally trigger significant amendment requirements of the PHA Plan, may be effectuated without completing the significant amendment process.

The PHA is required to notify public housing residents and HCV families of any impacts that the significant amendment may have on them by whatever means it considers most effective as soon as practicable. As noted earlier, HUD recognizes that the COVID-19 public health emergency presents unique challenges from a staffing and communication perspective and encourages PHAs to adapt their communications in consideration of local conditions and resources. For example, a PHA may need to initially provide this notification by placing information on its website and as a voice-mail message and following up with more formal written notice as circumstances allow. All materials, notices, and communications must be clearly communicated and provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations.

#### **COVID-19 Waiver Expires:**

The period of availability for the waiver of the significant amendment process ends on July 31, 2020. The period of availability for the 5-Year/Annual Plan submission varies depending on the end date of the PHA fiscal year. Please see the description section above.

**COVID-19 Policy Effective:** April 24, 2020

#### **COVID-19 Policy**

HFG will submit its Annual Plan on or before October 18, 2020

HFG will not engage in a significant amendment process except for changes related to Section 18, Section 22, or the Rental Assistance Demonstration (RAD), that would normally trigger significant amendment requirements of the PHA Plan, may be effectuated without completing the significant amendment process HFG will notify families of any impacts that the significant amendment may have on them by whatever means it considers most effective as soon as possible.

## **Annual and Interim Reexams – Income, Asset and Medical Verification Requirements**

### **Current Regulation and Policy:**

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## **7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS**

### **HUD's Verification Hierarchy [Notice PIH 2017-12]**

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification.

In order of priority, the forms of verification that the PHA will use are:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

Each of the verification methods is discussed in subsequent sections below.

### **Requirements for Acceptable Documents**

#### Homes for Good Policy

Any documents used for verification must be the original or valid copy and generally must be dated within 60 days of the date requested by Homes for Good. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages and emailed original documents are considered original documents.

The Homes for Good staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to Homes for Good and must be signed in the presence of a Homes for Good representative or Homes for Good notary public.

### **COVID-19 Waiver: Annual and Interim Reexams – Income Assets and Medical Verification Requirements**

HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV. During the allowable period of availability, PHA's may consider self-certification as the highest form of income verification to process annual an interim reexamination. This may occur over the telephone (but must be documented by PHA staff with a contemporaneous written record), through an e-mail or postal mail with a self-certification form by the tenant, or through other electronic communications. PHAs are encouraged to incorporate procedures to remind families of the obligation to provide true and



complete information when adopting these flexibilities.

**COVID-19 Waiver Expires:** December 31, 2020

**COVID-19 Policy Effective:** April 24, 2020

### **COVID-19 Policy**

HFG may accept self-certification as the highest form of income verification if tenant states they are unable to provide third party documentation.

HFG may collect self-certification of income via postal mail, e-mail, fax, text or phone. Tenant must acknowledge perjury statement via postal mail, e-mail, fax, text or phone.

Self-certification collected via phone must be dictated into a word document and placed into the ETR.

## **Enterprise Income Verification (EIV) Monitoring on a Monthly Basis**

### **Current Regulation and Policy**

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### **Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)**

PHAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

The data shown on income reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

#### **Homes for Good Policy**

Homes for Good will obtain income reports for annual reexaminations. Income reports will be compared to family-provided information as part of the annual reexamination process and may be used in the calculation of annual income, as described in Chapter 6.I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

Income reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits.



EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in resident files with the applicable annual or interim reexamination documents.

When Homes for Good determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

### **COVID-19 Waiver: Enterprise Income Verification (EIV) Monitoring on a Monthly Basis**

HUD is waiving the mandatory EIV monitoring requirements.

**COVID-19 Waiver expires on:** December 31, 2020

**COVID-19 Policy Effective:** April 24, 2020

### **COVID-19 Policy**

HFG is discontinuing mandatory EIV monitoring requirements.

## **Community Services Requirement**

### **Current Regulation and Policy:**

Pg. 11-1 of ACOP

#### 11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with PHA fiscal years that commenced on or after October 1, 2000. Per 903.7(l)(1)(iii), the PHA Plan must contain a statement of how the PHA will comply with the community service requirement, including any cooperative agreement that the PHA has entered into or plans to enter into. Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, the PHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c)(5)].

### **Compliance with Community Service**

For families who include nonexempt individuals, the PHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the PHA's policies governing compliance with the community service Requirement.



### **COVID-19 Waiver: Community Services Requirement**

HUD is waiving and suspending the CSSR requirement. If a PHA adopts this waiver, a family will remain exempt from the CSSR until their first reexamination after March 31, 2021.

**COVID-19 Waiver expires on:** March 31, 2021

**COVID-19 Policy Effective:** April 24, 2020

### **COVID-19 Policy**

HFG is suspending the CSSR requirement through March 2021

## **Tenant Notification**

### **Current Regulation and Policy:**

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Modifications to the Lease Form

The PHA may modify its lease from time to time. However, the PHA must give residents at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. The PHA must also consider any comments before formally adopting a new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(l)(2)(iii)(E)].

Homes for Good Policy

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

### **COVID-19 Waiver: Tenant Notification**

HUD is waiving the requirement to provide 30-day notices to impacted families for changes to policies, rules, and special charges to families, except for notices related to tenant charges, through July 31, 2020.

Although HUD is waiving the advanced notice, PHAs must still provide adequate notification to families within 30 days of making such changes.

**COVID-19 Waiver expires on:** December 31, 2020

**COVID-19 Policy Effective:** April 24, 2020



## **COVID-19 Policy**

HFG will provide notice to all residents within 30 days of any changes to policies, rules or special charges and comply with Oregon landlord tenant law notice requirements.

## **Public Housing Agency Annual Self-Inspections**

### **Current Regulation and Policy:**

Pg 8-11 of ACOP

### **Annual Inspections [24 CFR 5.705]**

Section 6(f)(3) of the United States Housing Act of 1937 requires that PHAs inspect each public housing project annually to ensure that the project's units are maintained in decent, safe, and sanitary condition. The PHA shall continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct annual project inspections. These standards address the inspection of the site area, building systems and components, and dwelling units.

### **Homes for Good Policy**

Homes for Good or a contractor will inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS).

### **COVID-19 Waiver: Annual Inspection**

HUD is waiving the requirement that the PHA must inspect each project during CY 2020. This waiver does not alleviate the PHA of its responsibility to provide safe housing. PHAs are reminded to expeditiously identify, respond to, and address serious conditions that could jeopardize life or property.

**COVID-19 Waiver expires on:** December 31, 2020

**COVID-19 Policy Effective:** July 15, 2020

### **COVID-19 Policy**

HFG continue addressing maintenance needs reported by residents but will not complete the planned annual contracted inspection. HFG will work with residents to complete self-inspections and address maintenance issues as they arise and following our COVID-19 entry protocols.

## **Repayment Policy**

### **Current Regulation and Policy:**

ACOP 16-III.B.

Homes for Good will not enter into a repayment agreement with a family if there is already a repayment agreement in place. Homes for Good may at its sole discretion allow the resident to enter into a new repayment agreement for both the previously owed amounts and the new charges. Homes for Good will not allow a repayment agreement for current rent.





### **COVID-19 Policy Change Reason (not a HUD Waiver): Repayment Policy**

The CARES Act placed a moratorium on all rent related evictions and banned the issuance of nonpayment of rent termination notices for a period of 120 days from March 27, 2020. In lieu of lease enforcement for nonpayment of rent, landlords will need to accept any amounts paid without adding fees or issuing termination notices.

Oregon HB4312 extended the local moratorium through September 30, 2020 with a 6-month repayment period through March 31, 2021.

### **COVID-19 Policy Change Expires on: September 30, 2020**

### **COVID-19 Policy Effective: April 24, 2020/Revised July 15, 2020**

### **COVID-19 Policy**

HFG will not issue lease enforcement of nonpayment of rent but will allow residents to enter into repayment agreements for any money owing, including current rent. HFG will allow 6 months after the end of the temporary order to pay outstanding balances before moving forward with any lease enforcement.