

City of Scottsdale, Housing Choice Voucher Program

COVID-19 Statutory and Regulatory Waivers (7/6/2020 revision)

Item	Statutory and Regulatory Waivers	Summary of alternative requirements	Availability Period Ends	Date of Adoption	Comments and Impacts
PHA 5-Year and Annual Plan	<p><u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)</p> <p><u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21</p>	<ul style="list-style-type: none"> Alternative dates for submission Changes to significant amendment process 	<ul style="list-style-type: none"> Varies based on FYE • 12/31/2020 	05/01/2020	<p><u>Comments:</u> These documents will be reviewed and revised as necessary.</p> <p><u>Impacts:</u> These documents have already been completed and submitted to HUD.</p>
PH and HCV-2 Family Income and Composition – Delayed Annual Reexaminations	<p><u>Statutory Authority</u> Section 3(a)(1)</p> <p><u>Regulatory Authority</u> §982.516(a)(1), §960.257(a)</p>	<ul style="list-style-type: none"> Permits the PHA to delay the annual income reexamination of income and family composition HCV PHA must implement HCV-7 for impacted families if they implement this waiver 	All annuals due in CY 2020 must be completed by 12/31/2020	05/01/2020	<p><u>Comments:</u> The PHA will adopt this waiver with the following guidelines</p> <ul style="list-style-type: none"> The PHA will process a contract rent increase as an annual action with original re-exam date. The PHA will process an interim re-exam with the information submitted by the family with their delayed reexamination paperwork. <p><u>Impacts:</u> Potential for improper payments</p>
PH and HCV-3 Annual reexamination Income Verification	<p><u>Regulatory Authority</u> §5.233(a)(2)</p> <p><u>Sub-regulatory Guidance</u> PIH Notice 2018-18</p>	<ul style="list-style-type: none"> Waives the requirements to use the income 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 	12/31/2020	05/01/2020 – previously adopted	<p><u>Comments:</u></p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> Potential for program fraud resulting from self-certs May create a little bit of a mess to clean up later (repayment agreements, proposed terms) Ability to complete Annual Reexaminations in a more expeditious manner

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		income discrepancies that may arise later			
PH and HCV-4 Interim reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> • Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	12/31/2020	05/01/2020 – previously adopted	<u>Comments:</u> The PHA will adopt this waiver with the following guidelines <ul style="list-style-type: none"> • If participants experience an increase in income, an interim will be processed to increase their portion of rent • If participants experience a decrease in income, an interim will be processed allowing self-certification statement (signed by the participant is preferred) <u>Impacts:</u> <ul style="list-style-type: none"> • Potential for program fraud • Ability to complete Interim Exams in a more expeditious manner
PH and HCV-5 EIV System Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> • Waives the mandatory EIV monitoring requirements. 	12/31/2020	05/01/2020	<u>Comments:</u> The PHA will adopt this waiver with the following stipulation <ul style="list-style-type: none"> • The PHA will continue to monitor EIV reports, however resolution of issues may be delayed <u>Impacts:</u> <ul style="list-style-type: none"> • Potential for over-subsidizing tenants
PH and HCV-6 FSS Contract of Participation	<u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34	<ul style="list-style-type: none"> • Provides for extensions to FSS contract of participation 	12/31/2020	05/01/2020	<u>Comments:</u> <ul style="list-style-type: none"> • The PHA will adopt the ability to extend a client’s FSS contract on a case by case basis, depending on each client’s circumstances <u>Impacts:</u> <ul style="list-style-type: none"> • Potential for increased HAP costs, if clients who are earning escrow on a monthly basis remain on the program for an extended period of time
PH and HCV-7 Waiting List	<u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34	<ul style="list-style-type: none"> • Waives public notice requirements for opening and closing waiting list • Requires alternative process 	12/31/2020	05/01/2020	<u>Comments:</u> The PHA will adopt this waiver with the following guidelines <ul style="list-style-type: none"> • The PHA will post information regarding the opening and closing of the waiting list on its web site • The PHA will inform our community partners

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					<ul style="list-style-type: none"> An automatic reply will be added to all PHA staff member's e-mails, providing information regarding the opening and closing of the waiting list. Waitlist opening announcement on PHA's auto attendant. <p><u>Impacts:</u></p>
HQS-1 Initial inspection	<p><u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C)</p> <p><u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405</p>	<ul style="list-style-type: none"> 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 1-year anniversary of date of owner's certification. 	<p>12/31/2020</p> <p>1 year anniversary of date of owner's certification</p>	05/01/2020 – previously adopted	<p><u>Comments:</u> The PHA will adopt this waiver with the following guidelines</p> <ul style="list-style-type: none"> Inspections of vacant units will occur as usual Inspections of occupied units will be handled in the following order <ol style="list-style-type: none"> Pictures/video/video calls and self-certification, subject to section 1001 penalties A list of all self-certified inspections will be maintained to ensure that physical inspections are completed at the end of the waiver period Any self-certified inspections must be signed by both the landlord and the tenant <p><u>Impacts:</u></p> <ul style="list-style-type: none"> Potential for fraud Potential for improper payments
HQS-2: PBV Pre-HAP Contract Inspections, PHA acceptance of completed units	<p><u>Statutory Authority:</u> Section 8(o)(8)(A)</p> <p><u>Regulatory Authority:</u> §§ 983.301(b), 983.156(a)(1)</p>	<ul style="list-style-type: none"> 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 1-year anniversary of date of owner's certification. 	<p>12/31/2020</p> <p>1 year anniversary of date of owner's certification.</p>	05/01/2020 - previously adopted	<p><u>Comments:</u> The PHA will adopt this waiver with the following guidelines</p> <ul style="list-style-type: none"> Inspections of vacant units will occur as usual Inspections of occupied units will be handled in the following order <ol style="list-style-type: none"> Pictures/video/videos calls and self-certification, subject to section 1001 penalties A list of all self-certified inspections will be maintained, to ensure that physical inspections are completed at the end of the waiver period Any self-certified inspections must be signed by both the landlord and the tenant

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					<u>Impacts:</u> <ul style="list-style-type: none"> • Potential for fraud • Potential for improper payments
HQS-3 Non-Life Threatening HQS - Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> • Allows for extension of up to 30 days for owner repairs of non-life threatening conditions 	12/31/2020	05/01/2020	<u>Comments:</u> The PHA will adopt this waiver to allow landlords up to 60 days to complete non-life threatening conditions <u>Impacts:</u> Inspector will need to amend their follow up process.
HQS-4 Initial HQS - Alternative Inspections		<ul style="list-style-type: none"> • 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 1-year anniversary of date of owner's certification 	12/31/2020 1 year anniversary of date of owner's certification	05/01/2020	PHA will adopt this waiver.
HQS-5 Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> • Allows for delay in biennial inspections • All delayed biennial inspections must be completed as soon as reasonably possible but by no later than 1 year after the date on which the biennial inspection would have been required absent the waiver 	12/31/2020 1 year after the date on which the biennial inspection would have been required absent the waiver	05/01/2020 – previously adopted	<u>Comments:</u> The PHA will adopt this waiver and will maintain a list of impacted units to ensure that physical inspections are completed within three months of the waiver period <u>Impacts:</u> <ul style="list-style-type: none"> • Potential for improper payments • Potential for clients living in sub-standard housing

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HQS-6: HQS Interim Inspections	<p><u>Statutory Authority:</u> Section 8(o)(8)(F) of the USHA of 1937</p> <p><u>Regulatory Authority:</u> 24 CFR §§ 982.405(g), 983.103(e)</p>	<ul style="list-style-type: none"> • Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods 	12/31/2020	05/01/2020 – previously adopted	<p><u>Comments:</u> The PHA will adopt this waiver with the following guidelines</p> <ul style="list-style-type: none"> • Inspections of occupied units will be handled in the following order <ol style="list-style-type: none"> 1. Pictures/video/video calls and self-certification, subject to section 1001 penalties 2. A list of all self-certified inspections will be maintained, to ensure that physical inspections are completed at the end of the waiver period 3. Any self-certified inspections must be signed by both the landlord and the tenant <p><u>Impacts:</u></p> <ul style="list-style-type: none"> • Potential for fraud • Potential for improper payments
HQS-7 PBV Turnover Inspections	<p><u>Regulatory Authority</u> § 983.103(c)</p>	<ul style="list-style-type: none"> • Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection NLT 1-year anniversary of date of owner's certification 	12/31/2020 1-year anniversary of date of owner's certification		PHA will not adopt this waiver.
HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units	<p><u>Statutory Authority:</u> Section 8(o)(8)(A)</p> <p><u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)</p>	<ul style="list-style-type: none"> • 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 NLT 1-year anniversary of date of owner's certification 	12/31/2020 1-year anniversary of date of owner's certification		PHA will not adopt this waiver.
HQS-9 HQS QC Inspections	<p><u>Regulatory Authority</u> § 982.405(b)</p>	<ul style="list-style-type: none"> • Provides for a suspension of the requirement for QC sampling inspections 	12/31/2020	05/01/2020 – previously adopted	<p><u>Comments:</u> The PHA will adopt this waiver and will resume Quality Control Inspections at the end of the waiver period</p> <p><u>Impacts:</u></p>

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					<ul style="list-style-type: none"> • Potential for improper payments • Potential for tenants living in sub-standard conditions
HQS-10 HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> • 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	05/01/2020	<p><u>Comments:</u> The PHA will adopt this waiver and will resume enforcing Occupancy Standards at the end of the lease term or one year from the date of PIH Notice 2020-05, whichever is longer</p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> • Potential for tenants living in overcrowded conditions
HQS-11 Homeownership HQS	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> • Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments • Requires family to obtain independent professional inspection 	12/31/2020		PHA will not adopt this waiver.
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	<ul style="list-style-type: none"> • Establishes an alternative requirement that policies may be adopted without board approval • Any provisions adopted informally must be adopted formally NLT December 31, 2020 	9/30/2020 12/31/2020	05/01/2020	<p><u>Comments:</u></p> <ul style="list-style-type: none"> • This document will be reviewed and revised as necessary • Will need to convene a special Board meeting prior to 7/31/2020 in order to approve any changes <p><u>Impacts:</u> This document had already been completed and will be submitted to HUD via the Agency Plan. If any other changes are required, additional staff time will need to be dedicated to performing these tasks</p>
HCV-2 PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	<ul style="list-style-type: none"> • Waives the requirement for an oral briefing • Provides for alternative methods to conduct required voucher briefing 	12/31/2020	05/01/2020 – previously adopted	<p><u>Comments:</u></p> <ul style="list-style-type: none"> • Packets will be distributed to potential clients prior to briefings • Briefings will be handled via MS Teams, telephone <p><u>Impacts:</u></p> <ul style="list-style-type: none"> • Increased staff time being spent on briefings • Increase postage costs for briefing material that cannot be e-mailed

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HCV-3 Term of Voucher - Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	12/31/2020	05/01/2020 – previously adopted	<p><u>Comments:</u> Requests for extensions of vouchers that expired after February 29, 2020 will be granted whether these requests are in writing or over the phone</p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> Potential delays in clients leasing up in a unit Clients will have a greater opportunity to find a suitable unit
HCV-4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> Provides for HAP payments for contracts not executed within 60 days PHA must not pay HAP to owner until HAP contract is executed 	12/31/2020		PHA will not adopt this waiver.
HCV-5 Absence from unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> 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 	12/31/2020	05/01/2020	<p><u>Comments:</u> The PHA will continue to make HAP payments through 12/31/2020, unless an annual reexamination is needed, at which time, all payments will stop</p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> Potential for increased HAP costs Potential for increased fraud Preservation of housing for families
HCV-6 Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically 	12/31/2020	05/01/2020	<p><u>Comments:</u> Upon written notice to the owner and family, the PHA will allow zero HAP families to remain on the program until 12/31/2020 or six months from the time the last HAP payment was made, whichever comes first</p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> Greater flexibility at this time of uncertainty Provides a safety net for families facing potential job loss Preservation of housing for families

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HCV-7 Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> 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. 	12/31/2020	07/01/2020	<u>Comment:</u> <ul style="list-style-type: none"> Applicable when rent increase request is received with a different effective date than annual recertification <u>Impacts:</u> <ul style="list-style-type: none"> Increased HAP costs Preservation of housing for families
HCV-8 Utility Allowance Schedule	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	12/31/2020		<u>Comments:</u> 2020 Utility charts have been updated. <u>Impacts:</u> <ul style="list-style-type: none"> Potential for inaccurate HAP/URP payments
HCV-9 Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> § 982.630, 982.636(d)	<ul style="list-style-type: none"> Waives the requirement for the family to obtain pre-assistance counseling 	12/31/2020		PHA will not adopt this waiver.
HCV-10 HCV -11 HCV -12 FUP	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020 to December 31, 2020 Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days 	12/31/2020		PHA will not adopt this waiver.
HCV-13 Homeownership Maximum Term of Assistance	<u>Regulatory Authority</u> 982.634 (a)	<ul style="list-style-type: none"> Allows PHAs to extend homeownership 	12/31/2020		PHA will not adopt this waiver.

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		<p style="color: red;">assistance for up to 1 additional year</p>			
<p style="color: red;">HCV 14 Mandatory Removal of unit from PBV HAP Contract</p>	<p style="color: red;">Regulatory Authority 983.211 (a); 983.258</p>	<ul style="list-style-type: none"> • Allows PHAs to keep a PBV unit under contract for a period of time that extends beyond 180 from the last HAP but does not extend beyond December 31, 2020 	<p style="color: red;">12/31/2020</p>		<p style="color: red;">PHA will not adopt this waiver.</p>
<p>12a Form HUD 50058</p>	<p><u>Regulatory Authority</u> 24 CFR Part 908, § 982.158</p> <p><u>Sub-regulatory Guidance</u> PIH Notice 2011-65</p>	<ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action 	<p style="color: red;">12/31/2020</p>	<p>05/01/2020</p>	<p><u>Comments:</u> The PHA will make every attempt to submit 50058s within 60 days of the effective date, however unforeseen circumstances may arise making this difficult</p> <p><u>Impacts:</u></p> <ul style="list-style-type: none"> • Potential for inaccurate PIC/EIV reports