



Housing Authority of the City of Madera

Jose Rodriguez
CHAIRMAN

Sally Bomprezzi
ACTING EXECUTIVE DIRECTOR

April 17, 2020

SUBJECT: COVID-19 Statutory and Regulatory for Public Housing and Housing Choice Voucher

NOTICE: PIH 2020-05

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 Public Housing Program and Housing Choice Voucher (HCV) Program. These waivers provide administrative flexibilities and relief to public housing agencies (PHAs). 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.

The 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)

Attached is Notice PIH 2020-05 and the waivers that the Housing Authority of the City of Madera will be utilizing to keep our employees and Tenants safe.

Sincerely

Sally J. Bomprezzi,
Interim Executive Director



Attachment: Summary of Public Housing and HCV Waivers and Alternative Requirements
(Refer back to the Notice using the item code for a full description and more detailed information.)

This chart summarizes the waivers authorized under this notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
PH and HCV-1 PHA 5-Year and Annual Plan	Statutory Authority	<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 7/31/20 	No Plan already complete and sent.	
	Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)				
	Regulatory Authority				
PH and HCV-2 Family income and composition – delayed annual reexaminations	§ 903.5(a)(3), 903.5(b)(3), 903.21	<ul style="list-style-type: none"> 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	No	
	Statutory Authority				
	Section 3(a)(1) Regulatory Authority				
PH and HCV-3 Annual	§ 982.516(a)(1), § 960.257(a)	<ul style="list-style-type: none"> Waives the requirements to use the income 	7/31/20	No	
	Regulatory Authority				
	§ 5.233(a)(2)				

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reexamination Income Verification	Sub-regulatory Guidance PIH Notice 2018-18	<ul style="list-style-type: none"> 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 		No	
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	<ul style="list-style-type: none"> Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	<ul style="list-style-type: none"> 7/31/20 	No	
PH and HCV-5 EIV System Monitoring	Regulatory Authority § 5.233 Sub-regulatory Guidance	<ul style="list-style-type: none"> Waives the mandatory EIV monitoring requirements. 	<ul style="list-style-type: none"> 7/31/20 	No	

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PH and HCV-6 FSS Contract of Participation	PIH Notice 2018-18 Regulatory Authority § 984.303(d)	<ul style="list-style-type: none"> Provides for extensions to FSS contract of participation 	<ul style="list-style-type: none"> 12/31/20 	Yes	4/16/2020
PH and HCV-7 Waiting List	Regulatory Authority § 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 	<ul style="list-style-type: none"> 7/31/20 	Yes	4/16/2020
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	<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 October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	Yes	4/16/2020
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)	<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 October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	No	

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HQS-3 Non-Life Threatening HQS - Initial Unit Approval	Statutory Authority	<ul style="list-style-type: none"> Allows for extension of up to 30 days for owner repairs of non-life threatening conditions 	<ul style="list-style-type: none"> 7/31/20 	Yes	4/16/2020
	Section 8(o)(8)(A)(ii)				
	Regulatory Authority HQTMA HCV Federal Register Notice January 18, 2017				
HQS-4 Initial HQS - Alternative Inspections	Statutory Authority	<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 	<ul style="list-style-type: none"> 7/31/20 	No	
	Section 8(o)(8)(A)(iii)				
	Regulatory Authority HQTMA HCV Federal Register Notice January 18, 2017				
HQS-5 Biennial Inspections	Statutory Authority	<ul style="list-style-type: none"> Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 10/31/20 	No	
	Section 8(o)(D)				
	Regulatory Authority §§ 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 					

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HQS-6 Interim Inspections	Statutory Authority Section 8(o)(8)(F) Regulatory Authority §§ 982.405(g), § 983.103(e)	<ul style="list-style-type: none"> by no later than October 31, 2020. Waives the requirement for the PHA to conduct interim inspection and requires alternative method Allows for repairs to be verified by alternative methods 	<ul style="list-style-type: none"> 7/31/20 	Yes	4/16/2020
HQS-7 PBV Turnover Inspections	Regulatory Authority § 983.103(c)	<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 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	No	
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)	<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 	<ul style="list-style-type: none"> 7/31/20 10/31/20 	No	

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HQS-9 HQS QC Inspections	Regulatory Authority	<ul style="list-style-type: none"> Provides for a suspension of the requirement for QC sampling inspections 	<ul style="list-style-type: none"> 10/31/20 	Yes	4/16/2020
	§ 982.405(b)				
HQS--10 HQS Space and Security	Regulatory Authority	<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	Yes	4/16/2020
	§ 982.401(d)				
HQS-11 Homeownership HQS	Statutory Authority	<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 	7/31/20	No	
	Section 8(o)(8)(A)(i), Section 8(y)(3)(B)				
	Regulatory Authority				
	§ 982.631(a)				
HCV-1 Administrative Plan	Regulatory Authority	<ul style="list-style-type: none"> Waives the requirement to adopt revisions to the admin plan 	7/31/20	No	
	§ 982.54 (a)				
HCV-2 PHA Oral Briefing	Regulatory Authority	<ul style="list-style-type: none"> Waives the requirement for an oral briefing Provides for alternative methods to conduct required voucher briefing 	7/31/20	Yes	4/16/2020
	§ 982.301(a)(3) § 983.252(a)				

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HCV-3 Term of Voucher - Extensions of Term	Regulatory Authority § 982.303(b)(1)	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	<ul style="list-style-type: none"> 7/31/20 	No	
	Regulatory Authority § 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 	<ul style="list-style-type: none"> 7/31/20 	No	
HCV-4 PHA Approval of Assisted Tenancy	Regulatory Authority § 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 	<ul style="list-style-type: none"> 12/31/20 	No	
	Regulatory Authority § 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. 	<ul style="list-style-type: none"> 12/31/20 	No	
HCV-6 Automatic Termination of the HAP Contract	Regulatory Authority § 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. 	<ul style="list-style-type: none"> 12/31/20 	No	

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HCV-7 Increase in Payment Standard	Regulatory Authority	<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. 	12/31/20	Yes	4/16/2020
	§ 982.505(c)(4)				
HCV-8 Utility Allowance Schedule	Regulatory Authority	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	12/31/20	No	
	§ 982.517				
HCV-9 Homeownership Counseling	Statutory Authority	<ul style="list-style-type: none"> Waives the requirement for the family to obtain pre-assistance counseling 	7/31/20	No	
	Section 8(y)(1)(D)				
	Regulatory Authority				
HCV-10 FUP	§ 982.630, 982.636(d)	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up 	12/31/20	Yes	4/16/2020
	Statutory Authority				
PH-1 Fiscal closeout of Capital Grant Funds	Section 8(x)(2)	<ul style="list-style-type: none"> Extension of deadlines for ADCC and AMCC 	Varies by PHA	Yes	4/16/2020
	Regulatory Authority				
PH-2 Total	§ 905.322(b)	<ul style="list-style-type: none"> Waives the TDC and HCC limits permitting 	Applies to development	No	
	Regulatory Authority				
	§ 905.314(c)				

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Development Costs		approval of amounts in excess of published TDC by 25% to 50% on a case by case basis	proposals submitted to HUD no later than December 31, 2021		
PH-3 Cost limitations	Regulatory Authority § 905.314(j)	<ul style="list-style-type: none"> Allows for the use of force account labor for modernization activities in certain circumstances 	<ul style="list-style-type: none"> 12/31/20 	No	
PH-4 ACOP	Regulatory Authority § 960.202(c)(1)	<ul style="list-style-type: none"> Changes to approval process for ACOP 	<ul style="list-style-type: none"> 7/31/20 	No	
PH-5 CSSR	Statutory Authority Section 12(c) Regulatory Authority § 960.603(a) and 960.603(b)	<ul style="list-style-type: none"> Temporarily suspends CSSR 	<ul style="list-style-type: none"> 3/31/21 	Yes	4/16/2020
PH-6 Energy Audits	Regulatory Authority § 965.302	<ul style="list-style-type: none"> Allows for delay in due dates of energy audits 	One year beyond 2020 audit deadline	No	
PH-7 Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490	<ul style="list-style-type: none"> Changes to timeframes for determination of over-income 	<ul style="list-style-type: none"> 12/31/20 	No	

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	Notice: Notice PH 2019-11				
PH-8 Resident Council Elections	Regulatory Authority § 964.130(a)(1)	<ul style="list-style-type: none"> Provides for delay in resident council elections 	<ul style="list-style-type: none"> 7/31/20 	No	
	Regulatory Authority § 965.507	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 	No	
PH-9 Utility Allowance	Regulatory Authority § 966.5	<ul style="list-style-type: none"> Advance notice not required except for policies related to tenant charges 	<ul style="list-style-type: none"> 7/31/20 	No	
	Regulatory Authority § 966.5				
11a PHAS	Regulatory Authority § 902	<ul style="list-style-type: none"> Allows for alternatives related to inspections PHA to retain prior year PHAS score unless requests otherwise 	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
	Regulatory Authority § 985	<ul style="list-style-type: none"> 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	N/A	N/A
11c Financial reporting	Regulatory Authority §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> Allows for extensions of financial reporting deadlines 	Varies by PHA FYE	No	

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption	
12a Form HUD 50058	Regulatory Authority	<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 	• 12/31/20	No		
	24 CFR Part 908, § 982.158					Sub-regulatory Guidance
	PIH Notice 2011-65					
12b Designated housing plan	Statutory Authority	<ul style="list-style-type: none"> • Allows for HUD to delay notification about designated housing plan 	• 7/31/20	N/A	N/A	
	Section 7(e)(1)					
12c Deadline for reporting Operating and Capital Fund expenditures	Statutory Authority	<ul style="list-style-type: none"> • Provides a one-year extension 	One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc	Yes	4/16/2020	
	Section 9(j)					
	Regulatory Authority § 905.306(d)(5)					

Attachment: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

COVID-19 Statutory and Regulatory Waivers for ONAP programs				
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary		
13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements	Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218;1000.220; 1000.224; 1000.226; 1000.228;1000.230; and 1000.232	1) <i>Abbreviated IHP to Receive IHBG-CARES Grant Funding:</i> Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.		
		2) <i>Recipients that did Not Submit an IHP in FY2020:</i> A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.		
		3) <i>IHP Certifications:</i> IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.		
		4) <i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.		
13b. IHP Submission Deadline for Annual IHBG Formula Grants	Statutory Authority: Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225	IHP Submission Deadlines Extended		
		Org. IHP Due Date	Extension	
		1/17/2020	10/16/2020	
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	APR Submission Deadlines Extended		
		Org. APR Due Date	Extension	
		3/30/2020	6/28/2020	
		6/29/2020	9/27/2020	

13d. Income Verification	Regulatory Authority: 24 CFR § 1000.128	IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email.
13e. Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-CARES funding to carry out a wide range of public health services.
13f COVID-19-related Assistance to Non-Low Income and Non-Native Families	Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, 1000.318	Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status.
13g Useful Life	Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147	If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life.
13h Total Development Cost (TDC) Limits	Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162	Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.
13i Prohibition Against Investment of CARES Act Grant Funds	Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58	Recipients are prohibited from investing any IHBG funding provided under the CARES Act.
14a. Citizen Participation	Statutory Authority: Section 104 of the Housing and	

	<p>Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604</p>	<p>Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. .</p> <p><i>1) Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed.</p> <p><i>2) Grant Ceilings:</i> Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future.</p> <p><i>3) Reimbursement of Costs and Letter to Proceed:</i> ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP.</p> <p><i>4) Availability of Funds:</i> If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs.</p>
<p>14b. Application Process for ICDBG-CARES Grants and Funding Criteria Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY19/20 ICDBG Notice of Funding Availability (NOFA)</p>		
<p>14c. Removal of Public Services 15% Cap under FY 2020 ICDBG Grants</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA</p>	<p>HUD is eliminating the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act.</p>
<p>14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)</p>	<p>ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.</p>

<p>14e Purchase of Equipment</p>	<p>Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii)</p>	<p>Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the COVID-19.</p>
<p>14f Operating Expenses for Public Facilities</p>	<p>Regulatory Authority: 24 CFR § 1003.207(b)(2)</p>	<p>Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.</p>
<p>14g New Housing Construction by Tribes</p>	<p>Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)</p>	<p>ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.</p>