

HOUSING AUTHORITY OF THE CITY OF BAYONNE

EXHIBIT Q: TEMPORARY COVID-19 RELATED POLICIES

I. PURPOSE

The Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) was signed by the President on March 17, 2020 in response to the COVID-19 pandemic. It provides the U.S. Department of Housing and Urban Development (HUD) with broad authority to waive or establish alternate requirements for numerous statutory and regulatory requirements for the Public Housing and Housing Choice Voucher (Section 8) Programs.

The “Temporary COVID-19 Related Policies” is the Housing Authority of the City of Bayonne, hereinafter referred to as the "BHA" and/or the “Authority” means of continuing critical functions during the coronavirus pandemic. The waivers and alternative requirements that the Authority may opt to use is at the discretion of the Authority and intended to provide administrative relief while responding to the financial and health impacts of the coronavirus on our residents and staff.

II. GOVERNING LAW

Waivers and administrative flexibilities were initially published by HUD in Notice PIH-2020-05 on April 10, 2020. HUD subsequently published Notice PIH-2020-13 (HA), REV-1 on July 2, 2020 and **Notice PIH-2020-33, REV-2 on November 30, 2020** which supercedes Notice PIH-2020-05 and upon which the waivers and alternate requirements that may be utilized in this document are based. The Authority may opt to utilize additional waivers that HUD may publish in its continuing response to the coronavirus pandemic. Temporary COVID-19 Related Policies will remain in effect until which time that they are rescinded by HUD or expire.

III. PH & HCV PROGRAM WAIVERS and ALTERNATIVE REQUIREMENTS

The following waivers and alternate requirements are necessary for the safe and effective administration of the Public Housing Program. In establishing this regulatory flexibility, HUD recognizes that the COVID-19 pandemic presents unique challenges from a staffing and communication perspective and encourages PHAs to adapt their communications in consideration of local conditions and resources.

PH-1: PHA 5-Year and Annual Plan Submission Dates: Significant Amendment Requirements. PHAs with a 6/30/20 fiscal year-end (FYE) must submit the 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). In addition, any change to a PHA policy that would normally trigger significant amendment requirements of the PHA Plan may be enacted without completing the significant amendment process. The PHA must notify public housing residents of any impacts that the significant amendment may have on them by whatever means is most effective, as soon as practical.

III. *PH & HCV PROGRAM WAIVERS and ALTERNATE REQUIREMENTS (Continued)*

- PH-2: Family Income and Composition: Delayed Annual Examinations.** PHAs are required to conduct a reexamination of family income and composition at least annually. Recognizing the foreseeable difficulties in complying with this requirement, PHAs are permitted to delay annual reexaminations. However, if HUD form 50058 is not entered into the system within 4 months after the due date, a PIC error will occur.
- PH-3: Family Income and Composition: Annual Examination; Income Verification Requirements.** The requirement to use the income hierarchy is waived and PHAs are permitted to forgo third-party income verifications including the use of EIV for annual reexaminations. PHAs may consider self-certification as the highest form of income verifications. PHAs using this waiver will be responsible for addressing any material discrepancies that may arise later.
- PH-4: Family Income and Composition: Interim Examinations.** The requirement to use the income hierarchy is waived and PHAs are permitted to forgo third-party income verifications including the use of EIV for interim reexaminations. PHAs may consider self-certification as the highest form of income verifications. PHAs using this waiver will be responsible for addressing any material discrepancies that may arise later. **The Authority will process interim reexamination requests retroactive to the first of the month following the date of the actual decrease in income. In making this retroactive change, the family will be notified of the impact on the tenant rent.**
- PH-5: Enterprise Income Verification (EIV) Monitoring.** The required monitoring of EIV reports (Deceased Tenants Report, Identity Verification Report, Immigration Report, the IVT Report, the Multiple Subsidy Report and the New Hires Report) is waived. PHAs are reminded that EIV data is overwritten so monthly or quarterly reports must be downloaded to preserve the data for that time period.
- PH-7: Waiting List: Opening and Closing; Public Notice.** HUD waives the requirement to give public notice by publication in a local newspaper of general circulation and by minority media and provides an alternative requirement that public notice be on a voicemail message for the main telephone number and on the Authority's website.

IV. PUBLIC HOUSING WAIVERS and ALTERNATIVE REQUIREMENTS

- PH-1: Fiscal Closeout of Capital Grant Funds.** The submittal of an Actual Development Cost Certificate (ADCC) and the Actual Modernization Cost Certificate (AMCC) has been extended by 6 months for deadlines that fell between March 1st and September 30, 2020.
- PH-2: Total Development Costs.** HUD is allowing the Total Development Cost (TDC) and Housing Construction Cost (HCC) limits to be exceeded by 25% without a waiver from HUD. **A complete Development Proposal must be submitted to HUD no later than 12/31/2021 for a project to be eligible for this waiver.**

IV. PUBLIC HOUSING WAIVERS and ALTERNATIVE REQUIREMENTS (Continued)

- PH-4: ACOP: Adoption of Tenant Selection Policies.** PHAs are permitted to adopt and implement changes to the ACOP on an expedited basis, without formal board approval, through September 30, 2020. Any informally adopted revisions under this waiver must be formally adopted no later than 12/31/2020.
- PH-5: Community Service and Self-Sufficiency Requirement (CSSR).** HUD is waiving and alternatively suspending the Community Service and Self-Sufficiency requirement. Upon the family's next annual reexamination, PHAs should report on Form HUD-50058 each individual's CSSR status as either exempt, for those who are exempt, or pending. After an annual reexamination is completed, the CSSR becomes effective again for the subsequent annual reexamination cycle. **Waiver ends on 3/31/2021.**
- PH-6: Energy Audits.** HUD is waiving and alternatively suspending the requirement to complete an energy audit for each PHA-owned property not less than once every 5 years for a period of one year for those that were due before December 31, 2020. **The period of availability is one year beyond the date of the energy audit deadline in 2020 for the impacted project.**
- PH-7: Over-Income Families.** HUD waives the requirement to terminate or charge an alternative rent to families whose income exceeds the program maximum income level for two consecutive years. These families are permitted to remain in their units and continue to pay the same rental amount until such time that the next annual income recertification is conducted that would impact the family.
- PH-8: Resident Council Elections.** HUD recognizes that conducting resident council elections may not be possible as a result of COVID-19 public health actions. PHAs are permitted to delay resident council elections beyond the three-year limit if necessary. However, the delayed election must be rescheduled and held as soon as reasonably possible once circumstances permit, after December 21, 2020.
- PH-10: Tenant Notifications for Changes to Project Rules and Regulations.** HUD is waiving the requirement to provide 30-day advance notice to tenants impacted by changes to policies and rules. Advance notice must still be given for any changes related to tenant charges. While PHAs do not have to give advance notice, they must still provide adequate notice within 30 days to impacted families.
- PH-11: Designated Housing Plan Renewals.** HUD requires PHAs to request a 2-year extension upon expiration of the original 5-year Designated Housing Plan. For plans expiring in 2020, PHAs must submit a renewal request at least 60 days prior to the extended expiration date of December 31, 2020.

IV. PUBLIC HOUSING WAIVERS and ALTERNATIVE REQUIREMENTS (Continued)

PH-12: Public Housing Agency Annual Self-Inspections. HUD is waiving the requirement that the Authority must inspect each project during CY 2020. This doesn't remove the responsibility to provide safe housing and respond to & address serious conditions that could jeopardize life or property. Additionally it is recommended that exterior/site inspections continue. Inspections of every public housing property are required during CY 2021 and HUD will provide guidance on the recommencement of REAC inspections. PHAs can use this guidance in determining when to resume self-inspections.

PH-13: Over-Income Limit: Termination Requirement. For public housing families whose income has exceeded the over-income limit (120% of the Area Median Income (AMI) as established by HUD for two consecutive years, the Authority must terminate the tenancy within 6 months of the third income determination or charge the family a monthly rent equal to the greater of the applicable Fair Market Rent (FMR) or the amount of monthly subsidy for the unit. HUD is waiving the termination of tenancy requirement and, as an alternative requirement, allowing the family to remain public housing residents but they will be charged the FMR.

PH-14: Annual Choice of Rent. Waives the requirement that a family may not be offered a choice between a flat rent and an income-based rent more than once a year except for a financial hardship. Families facing a financial hardship due to the pandemic may be given no more than two opportunities to choose between a flat rent and an income-based rent within the same one-year period.

V. PHAS, SEMAP AND UNIFORM FINANCIAL REPORTING STANDARDS

- a. **PHAS.** HUD is waiving the PHAS inspection requirement and is alternatively postponing physical inspections for all PHAs until further notice, except where there is a threat to life or property. Further, for a PHA that had a PHAS score pending as of July 2, 2020, HUD will not issue a new PHAS score unless the PHA requests it. Instead, the most recent PHAS score on record will be carried forward. **Waiver ends on 3/31/2021.**
- c. **Uniform Financial Reporting Standards: Filing of Financial Reports; Reporting Compliance Dates.** Per Notice PIH-2020-24, HUD extended the requirement that the Authority, with a FYE 6/30/2020, submit unaudited financial information by 10/30/2020.

VI. OTHER WAIVERS AND ADMINISTRATIVE RELIEF

- a. **PHA Reporting Requirements on HUD Form 50058.** HUD recognizes that PHAs implementing waivers under PIH-2020-13 will likely submit form HUD-50058 later than 60 calendar days from the effective date of certain actions, particularly related to reexaminations and inspections. HUD is waiving the 60-day deadline and providing the alternative requirement that the form HUD-50058 is submitted within 90 days of the effective date of action. In order to minimize errors resulting from

implementing this waiver, PIH will issue guidance in the near future to provide workarounds to avoid potential issues in PIC.

- b. **Designated Housing Plans: HUD 60-Day Notification.** Statute requires HUD to notify PHAs that have submitted a Designated Housing Plan that it complies with requirements to establish the designation of a project no later than 60 days after receiving the plan. If HUD doesn't respond within this timeframe than the plan is considered accepted. HUD is temporarily waiving this deadline to ensure that it can review and address any programmatic and fair housing concerns for plans submitted after March 1, 2020. Waiver ends on 7/31/2020.
- c. **Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds.** HUD is extending both the obligation end date and the expenditure end date for all Capital Fund grants that were open on April 10, 2020, by one year from the the obligation and expenditure end date in LOCCS that was in effect on April 10, 2020. However, no programmatic expenditure end date shall be extended beyond one month prior to the closure of the relevant appropriation account.