

# HOUSING AUTHORITY OF THE CITY OF BAYONNE

## **ATTACHMENT 3: 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 Temporary COVID-19 Related Policies will remain in effect until which time that they are rescinded by HUD or expire.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.

**HCV-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)

**HCV-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. For the HCVP, the Authority must also comply with the alternative requirement regarding the application of an increase in the payment standard amount during the HAP contract term, if applicable, so as not to delay the application of the increased payment standard amount to the family's calculation.

**HCV-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.

**HCV-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 and owner will be notified of the impact on the tenant portion of the rent and on the HAP contract.

**HCV-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.

**HCV-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. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS**

HUD recognizes that the challenges posed by the COVID-19 pandemic make it difficult for the Authority to conduct HQS physical inspections of units and is authorizing the use of HQS-related waivers and alternative requirements. The Authority must conduct HQS inspections as soon as reasonably possible when it is safe to do so, if delaying inspections under these waivers, but no later than the expiration of the waivers. Use of these waivers does not relieve owners of their responsibility to maintain the unit in accordance with HQS as required in the HAP contract nor does it in any way restrict the Authority from taking action to enforce the owner's obligations. Furthermore, use of any of these waivers by the Authority does not create any right in any third party (such as with the assisted family) to require enforcement of the HQS requirements by HUD of the Authority, or to assert any claim against HUD or the Authority for damages, injunction or other relief, for alleged failure to enforce the HQS.

**HQS-1: Initial Inspection Requirements.** The requirement to inspect the unit before any assistance payment is made to determine whether the unit meets HQS is waived. The Authority may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit instead of conducting an initial inspection. At minimum, the Authority must require this owner certification. The Authority is required to conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

**HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option.** HUD is waiving the requirement that the Authority must withhold HAP payment if the Non-Life-Threatening (NLT) repairs are not made in 30 days. Instead, the Authority may provide an extension of up to an additional 30 days and continue to make payments to the owner during the period of that maximum 30-day extension. If the owner has not made repairs by the end of the extension, the Authority must withhold payment.

**HQS-4: HQS Initial Inspection Requirement: Alternative Inspection Option.** The Authority may start assistance payments at the beginning of the lease term based on the alternative inspection and the owner's certification that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit in question. The Authority must conduct the HQS inspection as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

**HQS-5: HQS Inspection Requirement: Biennial Inspections.** This waiver allows the Authority to delay biennial inspections for both tenant-based and PBV units. All delayed biennial inspections must be completed as soon as reasonably possible but no later than 1 year after the date the biennial inspection would have been required. **As an alternative requirement, the Authority must require the owner's certification that they have no reasonable basis to know that life-threatening conditions exist instead of conducting an initial inspection.**

IV. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS (Continued)

**HQS-6: HQS Interim Inspections.** Upon notification to the Authority by a family or governmental official that the assisted unit does not comply with the HQS, the Authority must inspect the unit within 24 hours if the condition is life-threatening or within 15 days if not life-threatening. HUD is waiving the requirement and establishing an alternative requirement for both tenant-based and PBV units.

If life-threatening, the Authority must notify the owner of the reported deficiency and that the owner must either correct the life-threatening deficiency within 24 hours or provide documentation (email, text or photo) that it does not exist. In the case of non-life-threatening deficiency, the Authority must notify the owner within 30 days and the owner must either make repairs or document that the deficiency does not exist within 30 days of the Authority's notification to them or any approved extension. The Authority is not required to conduct an on-site inspection to verify the repairs but may rely on alternative verification methods (photos submitted by the owner, tenant certification, etc.).

**HQS-9: HQS Quality Control Inspections.** Regulations require the Authority to conduct supervisory quality control inspections of a sampling of units under contract. HUD is waiving this regulatory requirement.

**HQS-10: Housing Quality Standards: Space and Security.** HQS regulation establishes a minimum standard for adequate space that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. HUD is waiving this requirement for PHAs where they wish to assist a current participant that needs to add a member or members to the assisted household as a result of COVID-19. This provision does not apply to an initial or new lease. **The waiver will be in effect for the duration of the current lease term or one year from the date of this Notice (until July 2, 2021), whichever period of time is longer.**

V. HOUSING CHOICE VOUCHER PROGRAM WAIVERS: GENERAL

**HCV-1: Administrative Plan.** Regulation requires that any revisions to the Administrative Plan must be formally adopted by the Board of Commissioners or other authorized Authority officials. In light of the COVID-19 pandemic, HUD is waiving the requirement to allow the Administrative Plan to be revised on a temporary basis without Board approval through September 30, 2020. Any informally adopted revisions must be formally adopted no later than December 31, 2020.

**HCV-2: Information When Family is Selected: PHA Oral Briefing.** The Authority is allowed to conduct the oral briefing by other means such as webcast, video call, or expanded information packet in compliance with 504 and ADA requirements.

V. HOUSING CHOICE VOUCHER PROGRAM WAIVERS: GENERAL (Continued)

**HCV-3: Term of Voucher: Extensions of Term.** The regulation provides that at its discretion, the Authority may grant a family one or more extensions of the initial voucher term in accordance with the Administrative Plan. HUD is waiving the requirement that extensions must be in accordance with the Administrative Plan in order to allow the Authority to provide extensions even though it has been able to formally amend the policy.

**HCV-4: PHA Approval of Assisted Tenancy: When HAP Contract is Executed.** The Authority may not make any HAP to the owner until the contract is executed. Regulation provides that the Authority must make best efforts to execute the HAP contract before the beginning of the lease term but no later than 60 days after or it is void. HUD is allowing the Authority to execute the HAP contract after the 60-day deadline has passed and make housing assistance payments back to the beginning of the lease term. However, the HAP contract must be executed no later than 120 days from the beginning of the lease term.

**HCV-5: Absence from Unit.** The Authority may, at its discretion, continue making housing assistance payments and not terminate the HAP contract if the family is absent from the unit for more than 180 consecutive calendar days due to extenuating circumstances (i.e., hospitalization, extended stays at nursing homes, caring for family members). **The Authority must maintain documentation in the participant file explaining the extenuating circumstances that caused the extended absence.**

**HCV-6: Automatic Termination of HAP Contract.** When an HCV family's income increases to the extent that the HAP is reduced to \$0, the Authority is required to terminate HAP contracts 180 days after the last HAP to the owner. As a result of the economic and employment instability for many families and situations where families may on a temporary basis be adding members whose additional income may contribute to and result in \$0 HAP, HUD is waiving the requirement. As an alternative requirement, the Authority upon written notice to the owner and family, may extend the period triggering automatic termination but not beyond 12/31/2020.

**HCV-7: Increase in Payment Standard During HAP Contract Term.** HUD is waiving the requirement to use the payment standard that increased during the HAP term at the beginning of the effective date of the family's reexamination and allowing the Authority to apply the increased payment standard at any time provided it is used no later than the next annual reexamination. If the Authority delayed the annual recertification under a waiver, then the increased payment standard must be used when the first regular examination would have been effective in the absence of the waiver. Alternatively, an interim reexamination can be conducted where the only change is the increased payment standard.

**HCV-8: Utility Allowance Schedule: Required Review and Revision.** Any review and update of utility allowance schedules that were due at some point in CY 2020 must be completed no later than December 31, 2020.

## **VI. PHAS, SEMAP, AND UNIFORM FINANCIAL REPORTING STANDARDS**

**b. SEMAP.** For PHAs that have a SEMAP score pending as of the date of this Notice, July 2, 2020, HUD will not issue a new SEMAP score unless the PHA requests that a new one be issued. HUD will instead carry forward the most recent SEMAP score on record. **HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of March 31, 2021.**

**b-1. SEMAP Field Office Confirmatory Review.** Allows HUD field offices to perform remote SEMAP confirmatory reviews instead of an on-site review before changing any rating from troubled to standard or high performer.

**b-2. SEMAP Certification Timing.** Waives the requirement for the Authority to submit an annual SEMAP certification in PIC within 60 days of FYE during the timeframe HUD is rolling over prior year scores.

## **VII. 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.