

Emergency Waiver Authority for CoC, ESG, HOPWA, and CON Plan

HUD’s Office of Community Planning and Development issued emergency regulatory waivers to the ESG, CoC and CON Plan requirements in response to the Covid-19 pandemic. In order to exercise these waivers, the recipient must provide notification in writing to the CPD Director of the HUD Field Office serving the jurisdiction. Written notification must be provided at least two days prior to exercising the waiver. For the CoC program, the recipient is the HUD grantee; for ESG the recipient is Consolidated Plan Jurisdiction.

Please use the attached waiver notification which needs to be submitted to the Community Planning and Development Director at your local HUD Field Office.

CoC Program Waivers for Covid-19			
	Program Component Affected	Waived Requirement	Duration of Waiver
1	Leasing	<i>FMR for Individual Units and Leasing Costs</i> Units assisted under leasing may rent for more than the applicable FMR provided that the rent passes rent reasonableness test	6 months starting 3/31/20
2	Permanent Supportive Housing	<i>Disability Documentation for PSH</i> Disability determination can be based solely on staff-recorded observation of disability. Other documentation does not have to be provided within 45 days. A written certification by the individual seeking assistance that they have a qualifying disability is acceptable documentation.	6 months starting 3/31/20
3	Grants with Supportive Services Funding	<i>Limit on Eligible Housing Search and Counseling</i> CoC Program funds may be used for up to 6 months of a program participant’s utility arrears and up to 6 months of program participant’s rent arrears, when those arrears make it difficult to obtain housing	12 months starting 3/31/20

Sources used in the compilation of this document: Metro Denver Homeless Initiative (MDHI) https://www.mdhi.org/hud_coc_and_esg_covid_waivers and [HUD Memorandum](#).

4	Rapid Rehousing	RRH Monthly Case Management Program participants are not required to meet at least monthly with their case manager	2 months starting 3/31/20
5	Leasing and Rental Assistance	HQS Initial Physical Inspection of Unit In lieu of physically inspecting units, grantees may visually inspect units using technology such as video streaming prior to providing housing assistance; units must be physically reinspected within 3 months of health officials determining that special measures to prevent the spread of Covid-19 are no longer needed	Waiver ends when health officials determine that Covid-19 measures are no longer needed; 3 month period starting then to perform inspections
6	Leasing and Rental Assistance	HQS Re-Inspection of Units Requirement to annually reinspect for HQS is waived	12 months starting on 3/31/20
7	Permanent Supportive Housing	One-Year Lease Requirement. Initial term of all leases must now be more than one month.	6 months starting 3/31/20
ESG Program Waivers for Covid-19			
10	HMIS	HMIS Lead Activities ESG funds can be used to pay costs of upgrading or enhancing HMIS to incorporate data on ESG and activities related to Covid-19 even if the recipient of those funds is not the HMIS lead for the CoC	6 months starting 3/31/20
11	Homeless Prevention	RE-evaluations for Homeless Prevention Assistance Requirement that need for prevention assistance must be re-evaluated every three months. Frequency of re-evaluation is waived provided that the re-evaluations are conducted every 6 months	2 years starting 3/31/20
12	Homeless Prevention/Rapid Rehousing	Housing Stability Case Management Requirement to meet with case manager not less than once/month. Case management to be provided on an as-needed basis	2 months starting 3/31/20
13	Rental Assistance	Restriction on Rental Assistance to Units with Rent at or Below FMR Limit on rental assistance to be no greater than FMR is waived. Rent reasonableness must continue to be documented	6 months starting 3/31/20

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Consolidated Plan Requirements			
8	CON Plan Public Comment	<i>Citizen Participation Public Comment</i> 30 minimum period for public comment is waived; provided that no fewer than 5 days are provided for public comment on substantial amendments	Applicable through the end of the recipients 2020 program year
9	CON Plan Citizen Participation	<i>Citizen Participation Reasonable Notice and Opportunity to Comment</i> Grantees need not follow their citizen participation plan – grantees may determine what constitutes reasonable notice and opportunity to comment under the current circumstances	Applicable through the end of the recipients 2020 program year
HOPWA Waivers for COVID-19			
14	HOPWA – Self Certification	<i>Self Certification of Income and Credible Information on HIV status</i> Grantees may rely upon family member’s self certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care)	3 months within public health officials determining no additional special measures are needed
15	HOPWA- FMR Rent Standard	<i>Rent Standard for Tenant-Based Rental Assistance</i> Grantees are permitted to establish rent standards, by unit size, and ensure rent reasonableness of rent charge for a unit.	12 months starting 3/31/2020
16	HOPWA – Property Standards for TBRA	<i>Property Standards for Tenant-Based Rental Assistance (TBRA)</i> In lieu of physically inspecting units, grantees may visually inspect units using technology such as video streaming prior to providing housing assistance; units must be physically reinspected of health officials determining that special measures to prevent the spread of Covid-19 are no longer needed	12 months starting 3/31/2020
17	HOPWA – Space and Security	<i>Adequate Space and Security</i> Grantees operating housing facilities and shared housing arrangements to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include placement of families in a hotel/motel room	Allotted quarantined time frame recommended by local health care professionals

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