



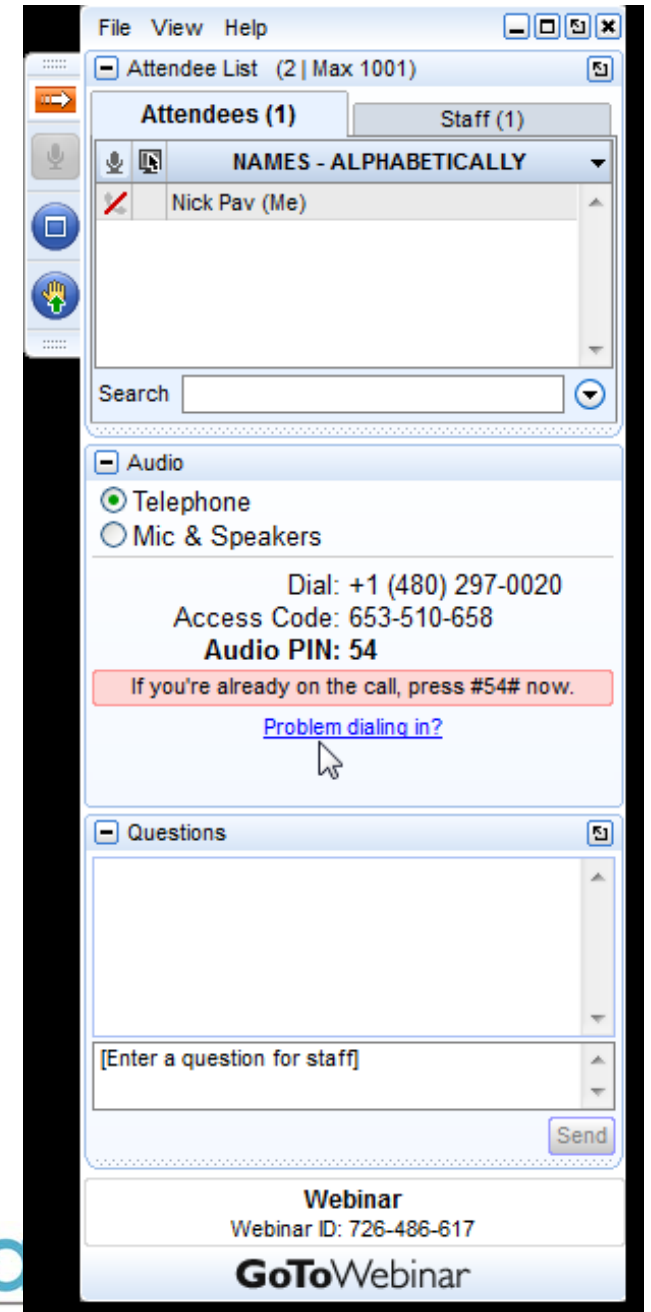
Additional HUD Waivers for CoC-Funded Programs

October 14, 2020

11:00am-12:00pm

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Goals

3rd waiver (Sep. 30)

Previous waivers

How to apply for the waivers

Documenting waiver use



HUD's Regulatory Waivers for CoC



Overview of the HUD Waivers

- HUD's Office of Community Planning and Development (CPD) has released 3 waivers
 1. Released on March 31, 2020 (announced April 1, 2020)
 2. Released on May 22, 2020 (announced May 26, 2020)
 3. Released on September 30, 2020 (announced October 2, 2020)
- Formula programs and program-specific waivers for the following CPD programs:
 - Continuum of Care(CoC);
 - Emergency Solutions Grant(ESG); and
 - Housing Opportunities for Persons with AIDS(HOPWA).
- These waivers are intended to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19.



September 30 HUD Waiver #3



HUD Waiver Breakdown by Program Type

CoC

10 Waivers

CoC Program
Grantees

ESG

1 Waiver

City of
Chicago

Link to
[September
30 HUD
Waiver](#)



Emergency Solutions Grant (ESG) Waiver

Homeless Definition –
Temporary Stays in Institutions
of 90 days or Less

• New



Continuum of Care (CoC) Waivers

Third Party Documentation of Income

- New

HQS – Initial Inspection of Unit

- Extension & Expansion

Suitable Dwelling Size & Housing Quality Standards

- New

Coordinated Entry – Annual Ongoing Planning and Stakeholder Consultation

- New

Homeless Definition – Temporary Stays in Institutions of 90 days or Less

- New



Continuum of Care (CoC) Waivers

Assistance Available at Time of Renewal

- Extension

Rapid Rehousing Monthly Case Management

- Extension

Fair Market Rent for Individual Units and Leasing Costs

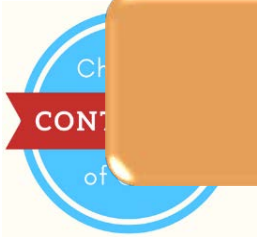
- Extension

Disability Documentation for PSH

- Extension & Expansion

One Year Lease Requirement

- Extension



Third-Party Documentation of Income (New)

- **What requirement is waived?** Recipients are required to demonstrate that source documents and third-party verification are unobtainable before allowing written certification by the program participant. 24 CFR 578.103(a)(7)(iv)
- **What is allowed instead?** Recipients/subrecipients can document annual income with the written certification by the program participant of the amount of income they reasonably expect to receive over the 3-month period following the evaluation, even if source documents and 3rd party verification are obtainable. The recipient/subrecipient must ensure written certification by the program participant is on file.
- **Applicability:** Any CoC recipient charging rent/occupancy charges from 9/30/20 – 12/31/20.



Housing Quality Standards – Initial Inspection of Unit (Extension & Expansion)

- **What requirement is waived?** Initial physical inspection of unit for housing quality standards. 24 CFR 578.75(b)(1)
- **What is allowed instead?** The recipient/subrecipient can have the owner certify that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit AND the recipient must have a written policy to physically inspect the unit within 3 months after health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.
- **Applicability:** Applicable 10/1/20-12/31/20.
- **Note:** Megawaiver #1 (3/31/20) allowed visual inspections using technology 3/31/20-9/30/20.



Suitable Dwelling Size & HQS (New)

- **What requirement is waived?** Units are required to have at least one bedroom or living/sleeping room for each two persons. 24 CFR 578.75(c) and 24 CFR 982.401(d)(2)(ii)
- **What is allowed instead?** Units may have less than one bedroom or living/sleeping room for each two persons, as long as state and local occupancy laws are still followed.
- **Applicability:** Recipients providing **RRH assistance** for leases executed 9/30/20-12/31/20 and extending only until the later of 1) the end of the initial term of the lease or occupancy agreement; or 2) 12/31/20.



Coordinated Entry – Annual Ongoing Planning and Stakeholder Consultation (New)

- **What requirement is waived?** The requirement for CoCs to facilitate ongoing planning and stakeholder consultation concerning the implementation of CE by soliciting feedback at least annually from participating projects and from households that participated in CE during that time. Section II.B.15 of Notice CPD-17-01
- **What is allowed instead?** The annual evaluation of the CoC's coordinated entry is waived.
- **Applicability:** In effect for 1 year beginning 9/30/20.



Homeless Definition – Temporary Stays in Institutions of 90 Days or Less (New)

- **What requirement is waived?** An individual who is exiting an institution where they resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution are considered homeless per 24 CFR 578.3.
- **What is allowed instead?** The waiver extends the time in institution to “120 days or less.” The individual will still need to have resided in an emergency shelter or place not meant for habitation immediately before entering the institution. The program participant’s file must have documentation of the institutional stay and where they were residing immediately prior to that stay.
- **Applicability:** In effect for 6 months beginning 9/30/20.



Assistance Available at Time of Renewal (Extension)

- **What requirement is waived?** The budget line item amounts a recipient is awarded in the CoC Program Competition will be based on the amounts in the final year of the prior funding period of the project. 24 CFR 578.33(c)
- **What is allowed instead?** Recipients may apply in the next FY CoC Program funding cycle based on the budget line items in the grants before they were amended in response to COVID-19. HUD considers grant agreement amendments executed in response to COVID-19 as notification.
- **Applicability:** This goes for grant amendments executed any time between 3/31/20-12/31/20 to move funds between budget lines in response to COVID-19.
- **Note:** Megawaiver #2 (5/22/20) allowed this for projects that amended their grants between 3/31/20-10/1/20, and this extends the period to the end of the year.



RRH Monthly Case Management (Extension)

- **What requirement is waived?** Recipients must require program participants of **Rapid Rehousing** projects to meet with a case manager at least monthly. 24 CFR 578.37(a)(1)(ii)(F)
- **What is allowed instead?** The monthly case management requirement is waived but recipients should continue to provide sufficient case management to meet the needs of the participants.
- **Applicability:** Applicable to **RRH** projects until 12/31/20.
- **Note:** This was in Megawaiver #1 (3/31/20) and #2 (5/22/20) as well.



Fair Market Rent for Individual Units and Leasing Costs (Extension)

- **What requirement is waived?** Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR). 24 CFR 578.49(b)(2)
- **What is allowed instead?** The FMR restriction continues to be waived for any lease executed to provide TH or PSH (leasing), but the recipient/subrecipient must still ensure that the rent reasonableness standard is met. Rent reasonableness documentation must be in the participant's case file.
- **Applicability:** Applicable to leases executed until 12/31/20.
- **Note:** This was in Megawaiver #1 (3/31/20) as well.



Disability Documentation for PSH (Extension & Expansion)

- **What requirement is waived?** The requirement for PSH projects to obtain third party documentation of disability within 45 days.
- **What is allowed instead?** Acceptable evidence of disability includes intake-staff recorded observations of disability and a written certification by the individual seeking assistance that they have a qualifying disability. Recipients will not need to obtain additional documentation for program participants admitted during this time even after the public health crisis is over.
- **Applicability:** Until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19.
- **Note:** This was in Megawaiver #1 (3/31/20) as well.



One-Year Lease Requirement (Extension)

- **What requirement is waived?** Program participants residing in **PSH** must be the tenant on a lease for a term of at least one year. 24 CFR 578.3, 24 CFR 578.51(I)(1)
- **What is allowed instead?** The initial term for the lease must be at least 1 month.
- **Applicability:** Applicable to leases for participants residing in **PSH** that are executed between 9/30/20-12/31/20.
- **Note:** This was in Megawaiver #1 (3/31/20) as well.



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Previous HUD Waivers



HUD's Previous Waivers – Funding Type

Waivers #1 March 2020

7 CoC

4 ESG
4 HOPWA
2 Consolidated Planning
Requirements

Waivers #2 May 2020

3 CoC

1 ESG
3 HOPWA

1st Waivers - CoC Funded Waivers

Fair Market Rate

- May lease units exceeding FMR
- Must still meet Rent Reasonableness

Extended under Waivers #3

Disability Documentation for Permanent Supportive Housing

- Intake staff recorded observation of disability
- Waived 45 days and instead allow up to 6 months from time to confirm observation

Extended under Waivers #3

Limit on eligible housing search & counseling services

- Pay for up to 6 months of rental arrears
- Pay for up to 6 months of utilities arrears
- Waived for 1-year beginning date of waiver

Permanent Housing – Rapid Rehousing Case Management

- Provide case management on an as needed basis

Expanded in Waiver #2

Housing Quality Standard (HQS) – Initial Physical Inspection

- Waived in person inspection → utilization of technology
- Written policies to physically re-inspect within 3 months

Extended under Waiver #3

Housing Quality Standard (HQS) – Re-inspection

- Waived annual re-inspections requirement during public health crisis
- Waived for 1-year beginning on the date of waiver

Lease Requirement – 1 year

- Waived for 6 months (expired July 2020)
- Initial lease term must be for more than one month

Extended under Waiver #3



1st Waivers – Consolidated Planning, ESG and HOPWA Funded Waivers

Consolidated Planning Requirements

- HOME, CDBG, HTF, ESG and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment
- HOME, CDBG, HTF, ESG and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment

ESG Program

- HMIS Lead Activities
- Re-evaluation for Homelessness Prevention Assistance
- Housing Stability Case Management
- Restriction of Rental Assistance to Units with Rent at or Below FMR

HOPWA Program

- Self-Certification of Income and Credible Information on HIV Status
- FMR Rent Standard
- Property Standards for TBRA
- Space and Security

2nd Waivers – CoC Funded Waivers

Permanent Housing – Rapid Rehousing 24 months of Rental Assistance

- Provide additional rental assistance beyond 24 months of assistance
- Applicable to program participants who reached 24 months of assistance beginning May 2020 until state or local public health offices state no special measures are needed

DedicatedPLUS project + Transitional Housing being eliminated

- Definition of DedicatedPLUS project is waived for DedicatedPLUS projects funded in FY2018 and FY2019 CoC Program Competitions
- Projects may serve individuals and families residing in transitional housing, whether it is being eliminated or not, as long as the individual or family met the definition of chronically homeless upon entry to TH.

Project Funding at Time of Renewal

- Renewal grant amount may be renewed to allow to amend budgets temporarily to address the needs of its program participants in responding to COVID-19
- Cannot change the original design of the project
- Waived for all projects that amend their grant agreement between March 1, 2020 and October 1, 2020 to move funds between budget line items in response to COVID-19

Extended under Waiver #3

Permanent Housing Rapid Rehousing Monthly Case Management

- Extension of March waiver
- Waived for additional 3 months

Extended under Waiver #3



2nd Waivers – ESG and HOPWA Funded Waivers

ESG

- Housing Stability Case Management

HOPWA

- Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments
- Property Standards
- FMR Rent Standards

MegaWaivers 1, 2 & 3 for CoC

Key

- Waiver 1 (3/31)
- Waiver 2 (5/22)
- Waiver 3 (9/30)

FMR

RRH Limit

Income Doc.

FMR

Waiver 1 (3/31)

Disability

Dedicated PLUS

HQS Initial

Disability

Waiver 2 (5/22)

Housing Search

Assistance at Renewal

Dwelling Size

1 Year Lease

Waiver 3 (9/30)

RRH Case Mgmt

RRH Case Mgmt

CE Planning

HQS Initial

90 Days Institution

HQS Re-inspection

Assistance at Renewal

1 Year Lease

RRH Case Mgmt



Applying for the HUD Waiver



Steps for the HUD Waiver

1. Determine which waiver(s) you will use
2. Determine when you wish to start using the waiver(s)
3. Complete written notification to send to HUD
4. Send written notification to local HUD office
5. Implement waiver(s) & document written justification for their use
6. Obtain documentation when COVID crisis ends

Steps for the HUD Waiver

1. Determine which waiver(s) you will use

- Review Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19
 - [Waivers released March 2020](#)
 - [Waivers released May 2020](#)
 - [Waivers released September 2020](#)
- Review Guidance from All Chicago

2. Determine when you wish to start using the waiver(s)

- You can start using the waiver **2** **calendar days** after you send your notification to HUD.



3. Complete written notification to send to HUD

Appendix A lists the required elements for the notification to HUD

- Requestor's name, title, and contact information;
- Declared-disaster area(s) where the waivers will be used;
- Date on which the grantee anticipates first use of the waiver flexibility; and
- A list of the waiver flexibilities the grantee will use:

PROTIP: Use the HUD Waiver Notification Template created by All Chicago



3. Complete written notification to send to HUD

Sample Written Notification to HUD



4. Send written notification to local HUD office

All notifications for Chicago & Illinois are sent to the
Chicago HUD CPD Office

CPD_COVID-19WaiverCHI@HUD.gov



Recordkeeping Documentation



Recipient Level Recordkeeping

1. A copy of the waiver notification letter the agency sent to HUD.
2. The agency's Emergency Recordkeeping Policies and Procedures.
3. As applicable, documentation of the constraints/barriers/limitations that make it necessary to use the waivers or Emergency Recordkeeping Policy.

For example:

- Shelter in place orders (Governor's Order: <https://www2.illinois.gov/IISNews/21288-Gov.PritzkerStayatHomeOrder.pdf>)
- Office closures
- Limited staff capacity



Client Level Recordkeeping

- Notes in files of affected clients outlining application of the waiver and demonstrating that it falls within the timeframe.

“Example: [Initials] was [enrolled/housed/assisted] on [Date(s)] during the COVID-19 pandemic. HUD Waiver [name waiver] applies. See Recipient Level documentation for Waiver Notification and Emergency Recordkeeping Policy.”
- Details/documents related to the specific waivers applied, such as:
 - Copies of leases displaying date of execution (for leases above FMR)
 - Self certification of income (for waiver of 3rd party income doc)



Maintain Recipient Level Documentation and Client Level Documentation

For example, when waiving the FMR restriction (when using grant funds to leasing individual units):

Suggested Recipient Documentation

- 1) Documentation that FMR limits are impeding grantee's ability to find units for clients as a result of COVID-19;
- 2) Copy of waiver notification sent to HUD;
- 3) Emergency recordkeeping policies and procedures

Suggested Client Level Documentation

- 1) A copy of the lease clearly displaying the date of execution;
- 2) A note to file noting the date of the COVID-19 Memorandum and its application to the client's lease;
- 3) A completed rent reasonableness analysis.



Emergency Recordkeeping Protocol

An agency's Emergency Policies & Procedures should include an Emergency Recordkeeping Protocol & Template.

The protocol describes how the agency uses the template during an emergency to document:

- A determination of the start of the emergency.
- A description of the types of records impacted by the emergency.
- A description of efforts that will be used to maintain impacted records (i.e., documenting attempts, adjustments to procedures, procedures to acquire documentation afterwards, etc.).
- A determination of the cessation (end) of the emergency.



Looking for more about recordkeeping?

- View the [slides and recording](#) from HUD's April 14 Webinar
- View All Chicago's [Interim Recordkeeping Standard Operating Guidance](#), including sample protocol and template.



Questions & Answers

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THANK YOU!

- Contact us at CoCPrograms@allchicago.org

