

**Housing Choice Voucher (HCV) Program  
COVID-19  
Statutory and Regulatory Waivers**

On April 10, 2020, the United States Department of Housing and Urban Development (HUD) issued PIH Notice 2020-05 which contains Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Programs in response to COVID-19. On July 2, 2020, HUD issued PIH Notice 2020-13 which added four (4) new waivers and extended the deadlines for several existing waivers.

The waivers and alternative requirements identified in the above-mentioned Notices allow Public Housing Agencies (PHAs) to keep public housing and HCV programs operational to the extent practicable during the COVID-19 pandemic. The following chart provides a list of waivers and alternatives that MSHDA has adopted for the HCV and Project-Based Voucher (PBV) program. The “item” description below correlates with the sections identified in the Notices. MSHDA encourages you to read [PIH Notice 2020-05](#) and [PIH Notice 2020-13](#) in their entirety for further information. **NOTE:** once the period of availability deadline below has lapsed, MSHDA has an obligation to resume normal policies and procedures outlined in its Administrative Plan. Adoption of any waiver or alternative does not relieve HCV program participants or landlords from the requirement of reporting true and accurate information to MSHDA at all times in order to effectively administer the HCV program.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Will MSHDA implement waiver and alternative requirement?	Date MSHDA adopted
PH and HCV-1 PHA 5-Year and Annual PHA Plan	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)(2)  <u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23	Alternative dates for submission  Changes to significant amendment process	Varies based on FYE  12/31/2020	No	NA

<p>PH and HCV -2 Family Income and composition - delayed Annual Reexaminations (ARs)</p>	<p><u>Statutory Authority</u> Section 3(a)(1)</p> <p><u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)</p>	<p>Permits PHA to delay processing ARs of income and family composition PHA must still implement an increase in payment standard if they implement this waiver</p>	<p>12/31/2020</p>	<p>No</p>	<p>NA</p>
<p>PH and HCV -3 Annual Reexaminations Income Verifications</p>	<p><u>Regulatory Authority</u> § 5.233(a)(2), 960.259(c), 982.516(a)</p> <p><u>Sub-regulatory Guidance</u> PIH Notice 2018-18</p>	<p>Waives the requirement to use the income hierarchy, include use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</p> <p>PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later</p>	<p>12/31/2020</p>	<p>Yes</p>	<p>7/20/2020</p>
<p>PH and HCV-4 Interim Reexaminations</p>	<p><u>Statutory Authority</u> Section 3(a)(1)</p> <p><u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2),</p>	<p>Waives the requirement to use the income hierarchy, include use of EIV, and will allow PHAs to consider self-</p>	<p>12/31/2020</p>	<p>Yes</p>	<p>7/20/2020</p>

	960.257(b) and (d), 960.259(c)  <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	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			
PH and HCV-5 EIV System Monitoring	<u>Regulatory Authority</u> § 5.233  <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	Waives the mandatory EIV monitoring requirements	12/31/2020	No	NA
PH and HCV-6 FSS Contract of Participation	<u>Regulatory Authority</u> § 984.303(d)	Provides for extensions to FSS contract of participation	12/31/2020	Yes	7/20/2020
PH and HCV-7 Waiting List	<u>Regulatory Authority</u> § 982.206(a)(2)  <u>Sub-regulatory Guidance</u> PIH Notice 2012-34	Waives public notice requirements for opening and closing waiting list  Requires alternative process	12/31/2020	Yes	7/20/2020
HQS - 1 Initial Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C)  <u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405	Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies	12/31/2020	Yes	7/20/2020

		Where self-certification was used, PHA must inspect the unit no later than the 1-year anniversary date of the owner's certification	1-year anniversary date of the owner's certification		
HQS- 2 PBV Pre-HAP Contract Inspections, PHA acceptance of completed units	<u>Statutory Authority</u> Section 8(o)(8)(A)  <u>Regulatory Authority</u> §§ 983.301(b), 983.156(a)(1)	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 the 1-year anniversary date of the owner's certification	12/31/2020  1-year anniversary date of the owner's certification	Yes	7/20/2020
HQS – 3 Non-Life-Threatening HQS – Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii)  <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	Allows for extension of up to 30 days for owner repairs of non-life-threatening conditions	12/31/2020	No	NA
HQS – 4 Initial HQS - Alternative Inspections	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii)  <u>Sub-regulatory Guidance</u>	Under Initial HQS Alternative Inspection Option - allows for	12/31/2020	No	NA

	HOTMA HCV Federal Register Notice January 18, 2017	<p>commencement of assistance payments based on owner certification there are no life-threatening deficiencies</p> <p>Where self-certification was used, PHA must inspect the unit no later than the 1-year anniversary date of the owner's certification</p>	1-year anniversary date of the owner's certification		
HQS – 5 Biennial Inspections	<p><u>Statutory Authority</u> Section 8(o)(D)</p> <p><u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)</p>	<p>Allows for delay in biennial inspections</p> <p>All delayed biennial inspections must be completed as soon as reasonably possible but by no later than 1 year after the date on which the biennial inspection would have been required absent the waiver</p>	<p>10/31/2020</p> <p>1 year after the date on which the biennial inspection would have been required absent the waiver</p>	Yes	7/20/2020
HQS – 6 Interim Inspections	<p><u>Statutory Authority</u> Section 8(o)(8)(F)</p> <p><u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)</p>	<p>Waives the requirement for the PHA to conduct interim inspection and requires alternative method</p>	12/31/2020	Yes	7/20/2020

		Allows for repairs to be verified by alternative methods			
HQS – 7 PBV Turnover Inspections	<u>Regulatory Authority</u> § 983.103(c)	Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies  Allows for delayed full HQS inspection no later than the 1-year anniversary date of the owner's certification	12/31/2020  1-year anniversary date of the owner's certification	Yes	7/20/2020
HQS – 8 PBV HAP Contract – HQS Inspections to Add/Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A)  <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)	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 no later than the 1-year anniversary date of the owner's certification	12/31/2020  1-year anniversary date of the owner's certification	Yes	7/20/2020

HQS – 9 HQS Quality Control	<u>Regulatory Authority</u> § 982.405(b), 983.103(e)(3)	Provides for a suspension of the requirement for QC sampling inspections	12/31/2020	Yes	7/20/2020
HQS – 10 HQS Space & Security	<u>Regulatory Authority</u> § 982.401(d)	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	7/20/2020
HQS – 11 Homeownership Option: Initial HQS Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B)  <u>Regulatory Authority</u> § 982.631(a)	Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments  Requires family to obtain independent professional inspection	12/31/2020	Yes	7/20/2020
HCV – 1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	Establishes an alternative requirement that policies may be adopted without board approval  Any provisions adopted informally must be adopted	9/30/2020  12/31/2020	Yes	7/20/2020

		formally no later than December 31, 2020			
HCV – 2 Information When Family is Selected: PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	Waives the requirement for an oral briefing  Provides for alternative methods to conduct required voucher briefing	12/31/2020	Yes	7/20/2020
HCV – 3 Term of Voucher – Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	Allows PHAs to provide voucher extensions regardless of current PHA policy	12/31/2020	Yes	7/20/2020
HCV – 4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	Provides for HAP payments for contracts not executed within 60 days  PHA must not pay HAP to owner until HAP contract is executed	12/31/2020	Yes	7/20/2020
HCV – 5 Absence from Unit	<u>Regulatory Authority</u> § 982.312	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	12/31/2020	Yes	7/20/2020

		180 consecutive days			
HCV – 6 Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically	12/31/2020	Yes	7/20/2020
HCV – 7 Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	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	12/31/2020	No	NA
HCV – 8 Revision of Utility Allowance Schedules	<u>Regulatory Authority</u> § 982.517	Provides for delay in updating utility allowance schedule	12/31/2020	No	NA
HCV – 9 Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D)  <u>Regulatory Authority</u> § 982.630, 982.636(d)	Waives the requirement for the family to obtain pre-assistance counseling	12/31/2020	No	NA
HCV – 10 Family Unification Program (FUP): FUP	<u>Statutory Authority</u> Section 8(x)(2)	Allows PHAs to increase age to 26 for foster youth initial lease up	12/31/2020	Yes	7/20/2020

Youth Age Eligibility to Enter HAP Contract					
HCV – 11 Family Unification Program (FUP): Length of Assistance for Youth	<u>Statutory Authority</u> Section 8(x)(2)	Allows PHAs to suspend termination of assistance for FUP youth who will reach the 36-month limit between April 10, 2020 and December 31, 2020	12/31/2020	Yes	7/20/2020
HCV – 12 Family Unification Program (FUP): Timeframe for Referral	<u>Statutory Authority</u> Section 8(x)(2)	Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days	12/31/2020	Yes	7/20/2020
HCV – 13 Homeownership: Maximum Term	<u>Regulatory Authority</u> 982.634(a)	Allows a PHA to extend homeownership assistance for up to 1 additional year	12/31/2020	Yes	7/20/2020
HCV – 14 Mandatory Removal of Unit from PBV HAP Contract	<u>Regulatory Authority</u> §§ 983.211(a); 983.258	Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 days from the last HAP but does not extend beyond December 31, 2020	12/31/2020	Yes	7/20/2020
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	PHA to retain prior year SEMAP score unless requests otherwise	HUD will resume issuing SEMAP scores beginning with PHAs with fiscal year end dates of 3/31/2021	NA	NA

11c Financial Reporting	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	Allows for extensions of financial reporting deadlines	Varies by PHA Fiscal Year End	Yes	7/20/2020
12a Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158  <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	Waives the requirement to submit 50058 within 60 days  Alternative requirement to submit within 90 days of the effective date of action	12/31/2020	No	NA