

COVID-19 SUPPLEMENT TO ADMINISTRATIVE PLAN –
HOUSING CHOICE VOUCHER
SANTA MONICA HOUSING

EFFECTIVE DATE OF WAIVERS: April 10, 2020

1. PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements

Statutory Authority: Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), and Section 5A(h)(2) of the United States Housing Act of 1937 (hereafter “the USHA of 1937”) Regulatory Authority: 24 CFR §§ 903.5(a)(3); 903.5(b)(3), 903.21

HUD is providing alternative deadlines to submit 5-Year (if due in 2020) and Annual Plans or civil rights certification.

PHA FYE	Revised Submission Requirement	Revised Due Date
6/30/20 and 9/30/20	75 days before 1/1/21	10/18/20

A significant amendment or modification to the Annual Plan requirements are waived (except for changes related to Section 18, Section 22, or the Rental Assistance Demonstration (RAD)).

The PHA is required to notify HCV families of any impacts that the significant amendment may have on them by whatever means it considers most effective as soon as practicable.

PHA Policy

Notification will be placed on website and as a voice-mail message. Formal written notice will be sent as circumstances allow. All communication will follow Section 504 of the Rehabilitation Act (Section 504) and HUD’s Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations.

Period of Availability

Waiver for significant amendment process ends on July 31, 2020.

2. Family Income and Composition: Delayed Annual Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937 Regulatory Authority: 24 CFR § 982.516(a)(1) - HCV Regulatory Authority: 24 CFR § 960.257(a) - Public Housing
PHAs may delay annual reexaminations.

PHA Policy

The PHA may delay annual reexaminations if unable to process before due date.

Period of Availability

All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020.

3. Family Income and Composition: Annual and Interim Examinations – Income Verification requirements

Annual Examination:

Regulatory Authority: 24 CFR § 5.233(a)(2)

Sub-regulatory Guidance: PIH Notice 2018-18

PHAs can forgo third-party income verification requirements for annual reexaminations, including the use of EIV and may use self-certification as the highest form of income verification.

This may occur over the telephone (must be documented by PHA staff with a contemporaneous written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. Tenant should certify that all information is true and complete.

Examinations do not have to be conducted in-person unless determined necessary as a reasonable accommodation as long as applicable public health guidelines are followed (e.g., social distancing) and any state or local ordinance is followed.

PHA must take enforcement action in accordance with their policies and procedures if material discrepancies arise later (ex. Self-certification and EIV incomes do not agree).

PHA Policy

The PHA will conduct annual examinations over the telephone (staff will document with written record and certify on tenant's behalf for accuracy), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. The PHA will conduct third-party verification for annual reexaminations according to its administrative plan. If documentation for income verification cannot be obtained, the PHA will rely on self-certification as the highest form of income verification. Self-certification must be signed by tenant certifying that all information is true, accurate and complete. If material discrepancies are found between tenant's self-certification and EIV, tenant will be responsible for repayment of overpayment made by the PHA on their behalf and may be subject to termination from the program for misrepresentation of facts.

Period of Availability

The waiver ends on July 31, 2020.

Interim Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR § 5.233(a)(2) - HCV and Public Housing Regulatory

Authority: 24 CFR § 982.516(c)(2) - HCV

Regulatory Authority: 24 CFR § 960.257(b) and (d) - Public Housing Sub-

regulatory Guidance: PIH Notice 2018-18

PHA Policy

The PHA will apply the same policy for interim examinations as described for the annual examinations above.

Period of Availability

The waiver ends on July 31, 2020.

4. Enterprise Income Verification (EIV) Monitoring

Regulatory Authority: 24 CFR § 5.233

Sub-regulatory Guidance: PIH Notice 2018-18

HUD is waiving the mandatory EIV monitoring requirements.

PHA Policy

The PHA will utilize EIV monitoring, if available, and rely on self-certification in cases where EIV reports cannot be obtained.

Period of Availability

The waiver ends on July 31, 2020.

5. Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension

Regulatory Authority: 24 CFR § 984.303(d)

COVID-19 qualifies as “good cause” to extend family contracts for additional 2 years.

PHA Policy

FSS contracts extensions will be considered on case by case basis and approved at the sole discretion of the PHA.

Period of Availability

Waiver ends on December 31, 2020.

6. Waiting List: Opening and Closing; Public Notice

Regulatory Authority: 24 CFR § 982.206(a)(2) Sub-

regulatory Guidance: PIH Notice 2012-34

PHA may provide public notice in a voicemail message on its main or general information telephone number and through its website (must comply with fair housing and other civil rights

requirements, Americans with Disabilities Act and Limited English Proficiency requirements, 24CFR 5.105(a) (“Nondiscrimination and Equal Opportunity”).

PHA Policy

Waiting list opening and closing public notice will be posted on the City’s website. Additionally, the PHA will inform the public using a press release, newspaper notice, and existing email lists with affordable housing stakeholders (in compliance with Fair Housing, Civil Rights, ADA and LEP requirements).

Period of Availability

Waiver ends on July 31, 2020.

7. Housing Quality Standards (HQS) Inspections

Initial Inspections

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8)(C) of the USHA of 1937 Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

PHA may rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist. The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than October 31, 2020.

PHA Policy

The PHA will waive inspection requirements and rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit(s) instead of conducting an initial inspection. Where safely possible, the PHA will perform video inspections with the owner or a representative of the owner in addition to the owner’s certification. The PHA will perform physical inspections of the units no later than October 31, 2020.

Period of Availability

The waiver ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner’s self- certification ends on October 31, 2020.

Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937 Regulatory Authority: 24 CFR §§ 983.301(b), 983.156(a)(1)

PHA Policy

The PHA will apply the same policy for PBV Pre-HAP Contract Inspections as described for the initial inspections above.

Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option

Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016:
Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

PHAs don't have to withhold HAP payment if NLT repairs are not made in 30 days. PHA may provide an extension of up to an additional 30 days to the owner to make the NLT repairs and continue to make payments to the owner during the period of that maximum 30-day extension. If the owner has not made the NLT repairs by the end of the PHA extension period, the PHA must withhold payments.

Applies to both tenant-based units and project-based units.

PHA Policy

The PHA will extend up to an additional 30 days to the owner to make repairs for Non- Life-Threatening deficiencies.

Period of Availability

The waiver ends on July 31, 2020. The extension to make the NLT repairs may extend beyond July 31, 2020.

HQS Inspection Requirement – Biennial Inspections

Statutory Authority: Section 8(o)(D) of the USHA of 1937 Regulatory
Authority: 24 CFR §§ 982.405(a), 983.103(d)

HUD is allowing PHAs 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 October 31, 2020.

PHA Policy

The PHA will delay biennial inspections for both tenant-based and Project-Based Voucher (PBV) units. The PHA will perform physical inspections of the units no later than October 31, 2020.

Period of Availability

The waiver ends on October 31, 2020.

HQS Interim Inspections

Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937 Regulatory
Authority: 24 CFR §§ 982.405(g), 983.103(e)

If the reported deficiency is life-threatening, the PHA must notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the PHA notification or provide documentation (e.g., text or email a photo to the PHA) that the reported deficiency does not exist. In the case of a reported non-life-threatening deficiency, the PHA must notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification or any approved PHA extension.

As is the case under the current HCV program requirements, the PHA is not required to conduct an on-site inspection to verify the repairs have been made but may rely on alternative verification methods (e.g., photos submitted by the owner, tenant certification, etc.).

PHA Policy

The PHA will notify owners of reported life-threatening deficiencies and the owner must correct the life-threatening deficiency within 24 hours and provide the PHA documentation that the reported deficiency has been corrected or does not exist. In the case of a reported non-life-threatening deficiency, the PHA must notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification or any approved PHA extension. Documentation photo, videos, or invoice statements may be emailed to the PHA.

Period of Availability

The waiver ends on July 31, 2020. After July 31, 2020, the PHA must conduct the HQS inspection in accordance with the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.

PBV Turnover Unit Inspections

Regulatory Authority: 24 CFR § 983.103(c)

PHA Policy

The PHA will apply the same policy for PBV Turnover Unit Inspections as described for the initial inspections above.

Period of Availability

The waiver ends on July 31, 2020. The period of availability for completing inspections for turnover PBV units that were reoccupied without an HQS inspection under this waiver authority ends on October 31, 2020.

PBV HAP Contract – HQS Inspections to Add or Substitute Units

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

PHA Policy

The PHA will apply the same policy for PBV HAP Contract HQS Inspections as described for the initial inspections above.

Period of Availability

The waiver ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner’s self- certification ends on October 31, 2020.

HQS Quality Control Inspections

Regulatory Authority: 24 CFR § 982.405(b)

HUD is waiving this regulatory requirement to conduct supervisory inspections.

PHA Policy

The PHA will waive HQS Quality Control Inspections. The PHA will resume HQS Quality Control Inspections after October 31, 2020.

Period of Availability

The waiver ends on October 31, 2020.

8. Administrative Plan

Regulatory Authority: 24 CFR § 982.54 (a)

PHA administrative plan may be revised on a temporary basis without Housing Authority Board approval. As an alternative requirement, any informally adopted revisions under this waiver authority must be formally adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

PHA Policy

The PHA will revise its Administrative Plan on temporary basis and will formally adopt all changes prior to July 31, 2020.

Period of Availability

This waiver ends on July 31, 2020.

9. Information When Family is Selected - PHA Oral Briefing

Regulatory Authority: 24 CFR § 982.301(a)(3), § 983.252(a)

PHA can conduct oral briefing by other means such as a webcast, video call, or expanded information packet. Must comply with Section 504 and the ADA as well as limited English proficiency requirements.

PHA Policy

PHA will conduct oral briefing by other means such as a webcast, video call, or expanded information packet.

Period of Availability

The waiver ends on July 31, 2020.

10. Term of Voucher – Extensions of Term

Regulatory Authority: 24 CFR § 982.303(b)(1)

PHA does not have to follow its Administrative Plan to grant extensions of the initial voucher term. PHA may use discretion to grant additional time without formally amending its policy in the administrative plan.

PHA Policy

The PHA will use discretion to grant additional time for the voucher term to enhance opportunities for locating available housing.

Period of Availability

The waiver ends on July 31, 2020.

11. PHA Approval of Assisted Tenancy – When HAP Contract is Executed

Regulatory Authority: 24 CFR § 982.305(c)

HAP contract can be executed after the normally 60 days deadline but no later than 120 days from the beginning of the lease term. PHAs can make housing assistance payments back to the beginning of the lease term.

PHA Policy

The PHA may execute the HAP contract after the normal 60-day deadline but no later than 120 days from the beginning of the lease term.

Period of Availability

The waiver ends on July 31, 2020.

12. Absence from Unit

Regulatory Authority: 24 CFR § 982.312

Family may be absent from the unit for a period of more than 180 consecutive calendar days due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members) and PHAs may continue HAP payments.

PHA Policy

The PHA will continue HAP payments for tenants who are absent from the unit for more than 180 consecutive calendar days based on circumstances and at the sole discretion of the PHA.

Period of Availability

The waiver ends on December 31, 2020. The PHA may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit.

13. Automatic Termination of HAP contract

Regulatory Authority: 24 CFR § 982.455

PHAs do not have to terminate families with \$0 HAP subsidy after 180 days. PHAs may provide written notice to the owner and family that an extension is granted following the last payment to the owner that triggers the automatic termination of the HAP contract. The extension beyond the normally applicable 180 days is determined by the PHA but may not extend beyond December 31, 2020.

PHA Policy

The PHA will not terminate families with \$0 HAP subsidy after 180 days. PHA may provide written notice to the owner and family that an extension is granted following the last payment to the owner that triggers the automatic termination of the HAP contract.

Period of Availability

The waiver ends December 31, 2020.

**ADMINISTRATIVE RELIEF, PHA INSPECTION AND REPORTING REGULATORY REQUIREMENTS
POSTPONED OR WAIVED BY HUD DUE TO COVID-19**

PHAS, SEMAP, and Uniform Financial Reporting Standards

a. PHAS

Regulatory Authority: 24 CFR Part 902

HUD is waiving part 902 inspection requirement and is alternatively postponing physical inspections for all PHAs until further notice (except a threat to life or property). PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new PHAS score unless the PHA requests that a new PHAS score be issued. HUD will instead carry forward the most recent PHAS score on record.

Period of Availability

HUD will resume issuing new PHAS scores beginning with PHAs with fiscal year end dates of March 31, 2021.

b. SEMAP

Regulatory Authority: 24 CFR Part 985

For any PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new SEMAP score unless the PHA requests a that new SEMAP score be issued. HUD will instead carry forward the most recent SEMAP score on record.

Period of Availability

HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of March 31, 2021.

Other Waivers and Administrative Relief.

a. PHA Reporting Requirements on HUD Form 50058.

Regulatory Authority: 24 CFR Part 908, § 982.158 Sub-regulatory Guidance: PIH Notice 2011-65

HUD is waiving the 60-day deadline and providing that PHAs must submit form HUD- 50058 or HUD-50058 MTW for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

PIH will be issuing guidance in the near future that will provide PHAs with workarounds to

avoid any potential issues in the PIC system.

For PHAs that submit HUD-50058 forms and receive a fatal error, PIH will not require these HUD-50058 forms to be re-submitted consistent with the waiver of reporting provisions in the Notice. PIH encourages these PHAs to not re-submit these forms until after PIH issues the revised guidance for HUD-50058 reporting. For PHAs that submit HUD-50058 forms successfully in the interim period before the new reporting guidance is issued, PIH may require corrections to these HUD-50058 forms and re-submission to IMS-PIC.

Period of Availability: The period of availability ends December 31, 2020.