

Navigating COVID-19 Waivers for CoC and ESG Programs

Santa Clara County CoC Training
Thursday, May 7, 2020



1

Agenda

- I. Welcome
- II. Background & General Principles
- III. CoC Waivers
- IV. ESG Waivers
- V. Contact Information



2

Intro to HUD COVID-19 Waivers

- HUD March 31, 2020 Memorandum announcing COVID-19 waivers
- Temporarily removes a specific set of statutory & regulatory requirements
- To “prevent the spread of COVID-19 and mitigate economic impacts”
- CoC has established policies & procedures within the Quality Assurance Standards



3

How to use HUD COVID-19 waivers: Notify HUD

- Notify the local HUD Field Office of intent to use a waiver **two calendar days** before using the waiver
 - Kimberly Nash, CPD_COVID-19WaiverSFO@HUD.gov
- Use HUD’s notification template and be sure to include:
 - ✓ Requestor’s name, title, and contact information;
 - ✓ Declared disaster area(s) where the waiver will be used;
 - ✓ Date on which you anticipate first using the waiver; and
 - ✓ A list of the waivers you will use
- Keep a copy — including the notification form and enclosing email showing the date of the notification — for your records!



4

How to use HUD COVID-19 waivers: Establish Policies and Procedures

- Each CoC or ESG Program must establish a written policy and procedures for implementing available waivers.
- Policies and procedures should, at a minimum, include:
 - ✓ Date of notifying HUD of intent to implement waiver(s);
 - ✓ The waiver(s) the program anticipates using;
 - ✓ The program's process for determining when usage of each waiver is necessary; and
 - ✓ Documentation and recordkeeping standards for usage of each waiver



5

How to use HUD COVID-19 waivers: Document Use

- Must document each use of a waiver in the client's file
- Must include the justification for using the waiver
 - Why is this necessary to prevent the spread of COVID-19 or mitigate its economic impacts?
 - Be specific to our local situation or the client's circumstances
 - E.g. limited staffing, can't meet in person, avoid otherwise long delay finding housing
- CoC has provided forms



6



7

Available CoC Program Waivers

1. FMR for Individual Units and Leasing Costs
2. Disability Documentation for PSH
3. Limit on Eligible Housing Search and Counseling Services
4. PH-RRH Monthly Case Management
5. HQS – Initial Physical Inspection of Unit
6. HQS – Re-Inspection of Units
7. One-Year Lease Requirement

8

CoC Program Waiver:

1. FMR for Individual Units and Leasing Costs – Leasing Projects Only

General Requirement:

Rent payments for individual units with Leasing dollars may not exceed FMR (Fair Market Rent).

HUD COVID-19 Waiver:

Waives the FMR restriction for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing. Must still meet rent reasonableness.

Time Frame of Waiver Applicability:

March 31 – Sept. 30, 2020



9

CoC Program Waiver:

1. FMR for Individual Units and Leasing Costs – Leasing Projects Only

Documentation:

- Copy of lease with date of execution;
- Completed rent reasonableness analysis; and
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



10

CoC Program Waiver:

2. Disability Documentation for Permanent Supportive Housing

General Requirement:

PSH recipients must document a qualifying disability of a household member. When documentation is through an intake worker's observation, must obtain additional evidence within 45 days.

HUD COVID-19 Waiver:

Waives third-party evidence requirement. Programs can document disability with:

- Intake staff recorded observation of disability, with no additional evidence, for clients entering **March 31 – September 30, 2020**.
- Self-certification of qualifying disability, **until public health officials determine no additional special measures are needed** to prevent the spread of COVID-19.



11

CoC Program Waiver:

2. Disability Documentation for Permanent Supportive Housing

Documenting Disability under this Waiver:

- [March 31 – Sept. 30, 2020] Document the intake staff's observation of the client's disability; **or**
- [While public health guidance makes other documentation impossible] Obtain self-certification of disability from the prospective client

Documenting use of this Waiver:

- Documentation of staff observation of the client's disability; **or**
- Dated copy of client self-certification

The CoC has provided a form for this purpose.



12

CoC Program Waiver:

3. Limit on Eligible Housing Search and Counseling Services

General Requirement:

CoC Program Supportive Services funds may not be used for costs of utility or rent arrears.

HUD COVID-19 Waiver:

Waives limitation on eligible housing search and counseling activities so **funds may be used for utility arrears and rent arrears (up to 6 months)**, when those arrears make it difficult to obtain housing.

Time Frame of Waiver Applicability:

March 31, 2020 – March 31, 2021



13

CoC Program Waiver:

3. Limit on Eligible Housing Search and Counseling Services

Documentation:

- Documentation of client's inability to obtain housing as a direct result of rent and utility arrears; and
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



14

CoC Program Waiver:

4. Permanent Housing-Rapid Re-Housing Monthly Case Management

General Requirement:

Recipients must require PH-RRH program participants to meet with a case manager at least monthly.

HUD COVID-19 Waiver:

Waives the monthly RRH case management meeting requirement for all rapid re-housing projects. Programs are encouraged to provide case management as needed.



15

CoC Program Waiver:

4. Permanent Housing-Rapid Re-Housing Monthly Case Management

Time Frame of Waiver Applicability:

March 31 – May 31, 2020

Documentation:

Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. *See* CoC-provided form.



16

CoC Program Waiver:

5. Housing Quality Standards – Initial Physical Inspection of Unit

General Requirement:

Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure the unit meets HQS before any assistance will be provided on behalf of a program participant.

HUD COVID-19 Waiver:

Waives initial physical inspection of unit if:

- a. Visually inspect the unit using technology e.g., video to ensure meets HQS;
- b. Have written policies to physically re-inspect within 3 months after public health officials determine COVID-19 measures are no longer needed.

 Homebase

17

CoC Program Waiver:

5. Housing Quality Standards – Initial Physical Inspection of Unit

Time Frame of Waiver Applicability:

March 31 – Sept. 30, 2020

Documentation:

- Completed HQS inspection form noting the method of observation;
- Video recording or copies of photographic inspection, including date stamps;
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. *See CoC-provided form.*

 Homebase

18

CoC Program Waiver:

6. Housing Quality Standards – Re-Inspection of Units

General Requirement:

Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.

HUD COVID-19 Waiver:

Waives the annual re-inspection requirement. Programs are encouraged to maintain regular contact with residents, including regarding any housing quality issues that may arise.



19

CoC Program Waiver:

6. Housing Quality Standards – Re-Inspection of Units

Time Frame of Waiver Applicability:

March 31, 2020 – March 31, 2021

Documentation:

Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



20

CoC Program Waiver:

7. One-Year Lease Requirement

General Requirement:

Program participants residing in permanent housing must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.

HUD COVID-19 Waiver:

Waives the one-year lease requirement, so long as the initial lease term for all leases is for at least one month.



21

CoC Program Waiver:

7. One-Year Lease Requirement

Time Frame of Waiver Applicability:

March 31 – Sept. 30, 2020

Documentation:

- Copy of lease clearly displaying date of execution and including initial term and automatic renewal; and
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



22



23

Available ESG Program Waivers

1. Re-Evaluations for Homeless Prevention Assistance
2. Housing Stability Case Management
3. Restriction of Rental Assistance to Units with Rent at or Below FMR

 Homebase

24

ESG Program Waiver:

1. Re-Evaluations for Homeless Prevention Assistance

General Requirement:

Homelessness prevention assistance is subject to re-evaluation of each participant's eligibility need for assistance not less than once every 3 months.

HUD COVID-19 Waiver:

Waives the required 3-month frequency of re-evaluations for homelessness prevention so long as the recipient or subrecipient conducts the required re-evaluations not less than **once every 6 months**.



25

ESG Program Waiver:

1. Re-Evaluations for Homeless Prevention Assistance

Time Frame of Waiver Applicability:

March 31, 2020 – March 31, 2022

Documentation:

- Documentation of re-assessment completed every 6 months; and
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



26

ESG Program Waiver:

2. Housing Stability Case Management

General Requirement:

Program participants receiving homelessness prevention or rapid re-housing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply.

HUD COVID-19 Waiver:

Waives the monthly case management requirement. Programs are encouraged to provide case management as needed.



27

ESG Program Waiver:

2. Housing Stability Case Management

Time Frame of Waiver Applicability:

March 31 – May 31, 2020

Documentation:

Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



28

ESG Program Waiver:

3. Restriction of Rental Assistance to Units with Rent at or Below FMR

General Requirement:

Rental assistance cannot be provided unless total rent is at or below FMR and complies with rent reasonableness.

HUD COVID-19 Waiver:

Waives the FMR restriction for any individual or family receiving RRH or Homelessness Prevention assistance who executes a lease during the applicability of this waiver. Must still meet rent reasonableness.



29

ESG Program Waiver:

3. Restriction of Rental Assistance to Units with Rent at or Below FMR

Time Frame of Waiver Applicability:

March 31 – Sept. 30, 2020

Documentation:

- Copy of lease with date of execution;
- Completed rent reasonableness analysis; and
- Note to file: Date of HUD Waiver memo; date and which waiver applied; and detailed justification for applying this waiver. See CoC-provided form.



30

Questions?

Contact us at: SantaClaraCoC@homebaseccc.org