Navigating COVID-19 Waivers for CoC and ESG Programs

Santa Clara County CoC Training
Thursday, May 7, 2020

Agenda

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

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!
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.

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
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

Homebase
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

**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.
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.

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.
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

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.
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.

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.
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.

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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.
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.

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**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.
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.

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**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.
Available Waivers: ESG Programs

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
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.

**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.
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.

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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.
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.

**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.
Questions?

Contact us at: SantaClaraCoC@homebaseccc.org