

Summary of Regulatory Waivers and Process for Requesting Waiver for CoC Programs

April 3, 2020

This document provides an overview of waivers currently available for CoC funded programs. If you would like to use any of these waivers, you must inform HUD of your plans to do so at least two calendar days prior to using the waiver. Details on how to inform HUD are given at the end of this document.

The table below summarizes the waivers available for CoC funded program. This is a summary only, and you are strongly encouraged to [read the full memo](#) explaining the waivers. The “notes” given below were drawn from a Q&A session on a webinar with HUD on 4/3/20.

Waived Requirements	Wavier Applicable Until
<p>1. <u>FMR Requirements</u></p> <ul style="list-style-type: none"> • Current Requirement: Units assisted with leasing dollars may not exceed Fair Market Rent (FMR) • Available Waiver: Units assisted with leasing dollars do not have to meet FRM requirements, so long as units still meet rent reasonableness requirements. • Benefit of waiver: Allows greater flexibility in units that may be leased. • Applicable to: <ul style="list-style-type: none"> ○ PSH, TH <p><i>NOTE:</i></p> <ul style="list-style-type: none"> • <i>Units must still meet rent reasonableness requirements.</i> 	9/30/2020
<p>2. <u>Disability Documentation</u></p> <ul style="list-style-type: none"> • Current Requirement: Person served in PSH (head of household or family member) must have a qualifying disability. Documentation of disability may be done via observation at intake and with written documentation 45 days within intake. • Available Waiver: Requirement that written documentation of disability be secured within 45 days of intake waived for the next 6 months; until the public health crisis is over, HUD will accept self-certifications of disability • Benefit of waiver: Reduces burden on health care system and allows people to be housed more quickly. • Applicable to: <ul style="list-style-type: none"> ○ PSH <p><i>NOTES:</i></p> <ul style="list-style-type: none"> • <i>For the purposes of individuals and families housed in PSH from 3/31/2020 until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5).</i> • <i>If you serve a client under this waiver, you do not need to go back and get the written documentation of disability after the COVID-19 crisis passes. In other words, you will not have to “re-determine” disability.</i> 	9/30/2020 and until public health crisis is over

Waived Requirements	Wavier Applicable Until
<p>3. <u>Limit on Eligible Housing Search & Counseling Services</u></p> <ul style="list-style-type: none"> • Current Requirement: Supportive services budget line doesn't allow payment of client rental or utility arrears • Available Waiver: Supportive services budget line (under Housing Search & Counseling Services) will allow for payment of up to 6 months rental arrears and 6 months utility arrears • Benefit of waiver: Expedites moving people into housing • Applicable to: <ul style="list-style-type: none"> ○ All project types <p><i>NOTE:</i></p> <ul style="list-style-type: none"> • <i>This waiver may be applied to current participants as well; however, you must document the aforementioned difficulty in the client file and have a process in-place for making such a determination.</i> 	3/31/2021
<p>4. <u>RRH Monthly Case Management</u></p> <ul style="list-style-type: none"> • Current Requirement: RRH participants must participate in at least monthly case management • Available Waiver: Monthly case management not required • Benefit of Waiver: Reduces burden on service providers • Applicable to: <ul style="list-style-type: none"> ○ RRH 	5/31/2020
<p>5. <u>Housing Quality Standards (HQS) Requirement at Initial Move-In</u></p> <ul style="list-style-type: none"> • Current Requirement: Units supported with leasing or rental assistance funds must pass HQS before a client may move in • Available Waiver: Upon initial move-in to a unit, an in-person HQS inspection is waived, so long as a virtual inspection is done and an in-person inspection completed within 3 months after social distancing restrictions are lifted • Benefit of Waiver: Reduces burden on providers and landlords and expedites moving clients into housing • Applicable to: <ul style="list-style-type: none"> ○ PSH, RRH, TH (if project has leasing/rental assistance) <p><i>NOTE:</i></p> <ul style="list-style-type: none"> • <i>Your agency will need to have a policy stating in-person inspection will be done within 3 months of after social distancing restrictions are limited</i> • <i>Initial inspections must still be completed prior to client move-in; what is being waived is the requirement that the inspection be done in person. Rather, the inspection may be done virtually (ex – the landlord may send a video of the unit, inspection may be done via FaceTime/Zoom/etc).</i> 	9/30/2020
<p>6. <u>Housing Quality Standards (HQS) Annual Re-inspection</u></p> <ul style="list-style-type: none"> • Current Requirement: Units supported with leasing or rental assistance funds must pass an annual HQS inspection • Waiver: Annual inspections requirement will be waived until 3/31/2021 	3/31/2021

Waived Requirements	Wavier Applicable Until
<ul style="list-style-type: none"> • Benefit of Waiver: Reduces burden on provider • Applicable to: <ul style="list-style-type: none"> ○ PSH, RRH, TH (if project has leasing/rental assistance) 	
<p>7. <u>One-Year Lease Requirement</u></p> <ul style="list-style-type: none"> • Current Requirement: Clients in PSH programs must have an initial lease that is at least one-year in duration. • Waiver: Leases for clients initially moving into PSH may be for less than one year in duration; leases must be for at least one month • Benefit of Waiver: May help identify additional landlords/units to move people into • Applicable to: <ul style="list-style-type: none"> ○ PSH 	9/30/2021

NOTIFYING HUD OF WAIVER USAGE

Grantees do not need to wait to receive approval from HUD before utilizing the waiver. Rather, grantees need to inform HUD at least two calendar days ahead of when they intend to utilize the waiver. Grantees must also update its program records to include written documentation of the specific conditions that justify the recipient's use of the waiver. It is recommended this documentation would include (among other things) the program and grant numbers for which the waiver was used.

Steps for submitting notification to HUD are below. **A form letter template for your agency's use is provided on the following page.**

1. Send an email to this address: CPD_COVID-19WaiverDET@HUD.gov
2. Email should be sent **two calendar days** before you anticipating using the waiver flexibility. ***Recommend sending it to HUD as soon as possible, even if you are not sure if you'll need the flexibility.***
3. In your email request, including the following information:
 - a. Your name, title, contact information
 - b. The declared-disaster area where the waiver will be used
 - i. Can use Michigan or Detroit Continuum of Care (MI-501)
 - c. The date when you anticipate first use of waiver flexibility
 - d. And, from the list below, which waiver you are requesting. Recommend requesting all that apply to the project type you receive funding for, ***even if you are not sure if you'll need the flexibility.*** The list of waiver flexibilities for CoC programs are:
 1. CoC Program - Fair Market Rent for Individual Units and Leasing Costs
 2. CoC Program - Disability Documentation for Permanent Supportive Housing (PSH)
 3. CoC Program – Limit on Eligible Housing Search and Counseling Services
 4. CoC Program - Permanent Housing-Rapid Re-housing Monthly Case Management
 5. CoC Program - Housing Quality Standards (HQS) – Initial Physical Inspection of Unit
 6. CoC Program - HQS – Re-Inspection of Units
 7. CoC Program – One-Year Lease Requirement

There is no additional rationale you need to submit notifying HUD of your intent to use the waiver.

Edit as needed and send to this address: CPD_COVID-19WaiverDET@HUD.gov
Please cc Amanda Sternberg (amanda@handetroit.org) on any waivers submitted

(DATE – TWO CALENDAR DAYS PRIOR TO WHEN YOU ANTICIPATE NEEDING TO USE WAIVER FLEXIBILITY)

To Whom It May Concern;

My name is **(NAME)**, **(TITLE)** from **(ORGANIZATION)**. My contact information is **(PHONE)**, **(EMAIL)**. I am writing to request a waiver of certain HUD regulations for my agency's CoC funded program(s) operating within the Detroit CoC (MI-501) in Detroit, Michigan. Due to the COVID-19 crisis, President Trump approved a Major Disaster Declaration for the State of Michigan on March 28, 2020.

It is anticipated my agency will first use the flexibility allowed by the waiver on **(DATE – MUST BE AT LEAST TWO CALENDAR DAYS AFTER THE DATE AT THE TOP OF THIS LETTER)**. I am requesting the following waivers: **(FROM THE LIST BELOW, KEEP THOSE THAT YOU ARE REQUESTING – RECOMMEND REQUESTING ALL THAT APPLY TO THE PROJECT TYPE YOU RECIEFE FUNDING FOR, TO ENSURE MAXIMUM FLEXIBILITY)**. I am requesting these waivers to apply to the following CoC programs implemented by my agency: **(INCLUDE LIST OF YOUR CoC PROGRAMS YOU WANT WAIVER TO APPLY TO HERE)**.

1. CoC Program - Fair Market Rent for Individual Units and Leasing Costs
2. CoC Program - Disability Documentation for Permanent Supportive Housing (PSH)
3. CoC Program – Limit on Eligible Housing Search and Counseling Services
4. CoC Program - Permanent Housing-Rapid Re-housing Monthly Case Management
5. CoC Program - Housing Quality Standards (HQS) – Initial Physical Inspection of Unit
6. CoC Program - HQS – Re-Inspection of Units
7. CoC Program – One-Year Lease Requirement

Sincerely,

(NAME)
(TITLE)
(ORGANIZATION)