



**LOWELL HOUSING
AUTHORITY**

COVID-19 STATUTORY AND REGULATORY WAIVERS

In accordance with the Coronavirus Aid, Relief and Economic Security (CARES) Act, the US Department of Housing and Urban Development (HUD) has issued PIH Notice 2020-05 that establishes temporary waivers and alternative processes for certain regulatory and statutory requirements of the Low Rent Public Housing (LRPH) Program and the Housing Choice Voucher (HCV) Programs. The implementation of these waivers is at the discretion of the Lowell Housing Authority (LHA). These waivers are intended to provide public housing authorities with the flexibility to adjust program practices in order to prioritize mission critical functions. These waivers will have a minimal impact on program participants and are intended to ensure the safety and health of our residents, employees and partners. The LHA has implemented the waivers listed below as of April 10, 2020.

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Temporary Amendments to the Low Rent Public Housing Program and Housing Choice Voucher Program Administrative Plans

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

This amendment provides an extension to annual submission requirements and allows the LHA to submit its annual and five-year plans no later than 10/18/20, or 75 days before 1/1/21. The HUD requirement mandating Board approval and providing an open meeting for public comment has also been waived. The LHA is still required to notify public housing residents and Housing Choice Voucher Program participants of the adopted changes, and will do so on its website, by phone, written notification, and/or any other means deemed appropriate.

Temporary amendment will expire on October 18, 2020 or at a time determined by HUD through waiver extension.

2. FAMILY INCOME AND COMPOSITION: DELAYED ANNUAL REEXAMINATIONS

This waiver permits the LHA, if necessary, to delay annual reexaminations of income. The LHA is required to reexamine each family's income and composition annually. During this health emergency, the LHA will work remotely with families to conduct annual recertifications of income and family composition. If the LHA is unable to process an annual recertification of family income and composition, tenant rent will be based on the most recent certification on file. The LHA will conduct a recertification of family income as soon as possible, but prior to December 31, 2020. For families participating in the Housing Choice Voucher Program, an increased Payment Standard will be applied to determine tenant rent, effective on the date of the annual recertification.

Temporary amendment will expire on December 31, 2020 or at a time determined by HUD through waiver extension.

3. ANNUAL REEXAMINATION OF FAMILY INCOME: VERIFICATION REQUIREMENTS

The LHA is required to verify all information that is used to establish tenant rent and is also required to obtain a family's consent to collect the information. This amendment permits the LHA to use self-certification, if necessary, for annual reexaminations. During this health emergency, at the time of the annual recertification of income, the LHA will request verification of the most recent income and family composition information that is readily available to the family. If documentation is not readily available, and income or family composition information cannot be verified through third party methods, the LHA will accept a family members self-certification verbally (documented by LHA staff) or through electronic communications, and will continue to utilize Enterprise Income Verification (EIV) as the primary means of verification.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

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4. FAMILY INCOME AND COMPOSITION: INTERIM CERTIFICATION OF INCOME,

Interim certifications are completed when a family has a change in income or composition. At the time a family requests an interim certification of income, the LHA will request verification of the change. This amendment permits LHA to use self-certification, if necessary, for interim reexaminations and to follow the same procedures as Annual Reexaminations.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

TEMPORARY AMENDMENTS TO THE HOUSING CHOICE VOUCHER (HCV) PROGRAM ADMINISTRATIVE PLAN

1. HOUSING QUALITY STANDARDS (HQS): INITIAL INSPECTIONS

The LHA is committed to ensuring the safety of our families. During this health emergency, the LHA will continue to conduct initial inspections of apartments, with attention to social distancing practices. This amendment however permits the Lowell Housing Authority to use its discretion, if necessary, to postpone HQS inspections for occupied units unless it is determined that a life-threatening condition exists. If a life-threatening condition exists, the LHA will require property owners to take remedial action and self-certify life-threatening issues have been addressed. The LHA still retains the right to conduct an HQS inspection on any assisted unit, at any time.

The process will also be used for initial inspections for the HCV Project Based Program, including Project Based turn-over inspections or inspections to add or substitute units under the Project Based Program.

Temporary amendment will expire on July 31, 2020, or October 31, 2020. This amendment may be extended to a time determined by HUD through waiver extension.

2. HOUSING QUALITY STANDARDS (HQS): BIENNEIAL INSPECTIONS

The LHA is required to conduct inspections of units under contract no later than 24 months from the date of the most recent inspection. During this health emergency, the LHA will delay biennial inspections for both tenant-based and project-based units. All delayed inspections will be completed as soon as a reasonably possible on or before October 31, 2020, or at a time determined by HUD through waiver extension.

Temporary amendment will expire on October 31, 2020, or at a time determined by HUD through waiver extension.

3. HOUSING QUALITY STANDARDS (HQS): INTERIM INSPECTIONS –SPECIAL INSPECTIONS

Upon notification to the LHA by a family or government official of a life-threatening condition in an assisted unit, the LHA will immediately notify the property owner. The property owner will be required to correct the life-threatening deficiency within 24 hours of the LHA notification. The property owner MUST provide documentation of the correction through a text or email, including a photo and written verification that the deficiency has been corrected. In the case of a non-life-threatening deficiency, the LHA will notify the property owner in writing and require that correction be made within 30 days. A property owner's failure to comply will result in further action as described in the Administrative Plan which may include suspension of subsidy and/or termination of the Housing Assistance Payments Contract.

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Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

4. HOUSING QUALITY STANDARDS (HQS): QUALITY CONTROL INSPECTIONS

HUD requires an LHA supervisor or other qualified person to conduct quality control inspections of sample units annually. During this health emergency, the LHA will suspend HQS supervisory inspections.

Temporary amendment will expire on October 31, 2020, or at a time determined by HUD through waiver extension.

5. HOUSING QUALITY STANDARDS (HQS): SPACE AND SECURITY – DETERMINING FAMILY UNIT SIZE

There are minimum space requirements (occupancy standards) established to determine the appropriate number of bedrooms for each family participating in the HCV Program and the HCV Project Based Program. With the addition of a family member into an assisted unit, the unit may not meet the space and security standards. During this health emergency, the LHA will waive these requirements and tenants with family composition changes will be allowed to remain in the unit until the end of the lease term or April 10, 2020, whichever comes first. Families will not be allowed to extend leases or enter into new leases for units where the space and security standards are not met.

Temporary amendment will expire on April 10, 2021, or at a time determined by HUD through waiver extension.

6. HOUSING QUALITY STANDARDS (HQS): INITIAL INSPECTIONS FOR HOMEOWNERSHIP

Two pre-purchase inspections are required for a home to be considered for assistance. The LHA must conduct an initial HQS inspection and an inspection must be performed by an independent professional home inspector. During this health emergency, initial HQS inspections for homeownership will not be conducted. The LHA will accept the report of an independent professional home inspector but reserves the right to disapprove a unit for assistance under the homeownership program if the information provided shows that the home is not compliant with Housing Quality Standards.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

7. HOUSING CHOICE VOUCHER PROGRAM: ORAL BRIEFING

During this health emergency, the LHA will conduct HCV Briefings using video conferencing. Briefings will be conducted in English, Spanish and Khmer, as needed. Briefing packets, with required documentation, will be mailed to families in advance of the video conference. Special accommodations will be made for those who are vision or hearing impaired.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

8. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

The maximum term for a Voucher holder in housing search is a period of up to 120 days. During this health emergency, the LHA will consider extensions beyond this term to ensure that families in need of rental assistance are housed. These extensions will be granted by the Division Director of Leased Housing Programs and on an individualized basis.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

9. ABSENCE FROM UNIT: MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Families living in units under a Housing Assistance Payments (HAP) Contract may not be absent from the unit for more than 180 days. During this health emergency, the LHA may continue HAP payments and not terminate HAP contracts due to extenuating circumstances including hospitalization, inability to travel due to restrictions, or other reasons. A final determination to continue HAP payments will be made by the Division Director of Leased Housing Programs after consultation with the family.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

10. AUTOMATIC TERMINATION OF HOUSING ASSISTANCE PAYMENTS CONTRACT: FAMILY NO LONGER REQUIRES ASSISTANCE

When a family's income increases and a determination is made that 30% of adjusted income exceeds the Payment Standard for the leased unit, and the Housing Assistance Payment is \$0, the family is placed in a suspension period for 180 days. During the suspension period, families continue to receive assistance, but are subject to termination of the Housing Assistance Payments Contract at the end of the 180-day suspension period if income does not decrease. During this health emergency, the LHA may consider an extension beyond the 180-day suspension period. Extension requests may be authorized by the Division Director of Leased Housing Programs.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

11. INCREASE IN PAYMENT STANDARD UNDER HAP CONTRACT TERM: CHANGES IN PAYMENT STANDARDS

Increased Payment Standards are applied to calculate tenant rent at the time of the regular recertification of family income. During this health emergency, the LHA may apply an increased Payment Standard at the time of interim certification of income, or at the time an owner requests a rent increase.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

12. UTILITY ALLOWANCE SCHEDULE REVIEW AND REVISION: UTILITY ALLOWANCE

The utility allowance schedule for the LHA is reviewed and revised annually. During this health emergency, the LHA may delay this revision.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

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LOW RENT PUBLIC HOUSING ADMINISTRATIVE PLAN AMENDMENTS

1. COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT

Each adult resident living in public housing, except for those family members that are exempt, must perform 8 hours of community service or participate in an economic self-sufficiency program, or a combination of both. During this health emergency, the LHA will suspend this requirement until the family's next reexamination of income and family composition. After the annual reexamination of the family, the Community Service and Self-Sufficiency requirement will become effective again for non-exempt family members.

Temporary amendment will expire on March 31, 2021, or at a time determined by HUD through waiver extension.

2. OVER-INCOME FAMILIES

Under the current policy, families whose income exceeds the program maximum income level for two consecutive years are required to be terminated or be charged an alternative rent amount. During this health emergency, the LHA will permit over income families to remain in their units and pay the same rental amount until the LHA conducts the next annual recertification of family income.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

3. RESIDENT COUNCIL ELECTIONS

Current regulation require that resident councils hold elections for council members at least once every three years for each member. During this health emergency, LHA will allow for the delay of required elections for our resident councils until after July 31, 2020.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

4. TENANT NOTIFICATIONS FOR CHANGES TO PROJECT RULES AND REGULATIONS

Public Housing Authorities are required to provide 30-day notice to impacted families for changes to policy, rules and special charges. During this health emergency, LHA may waive the advance notice requirement and provide adequate notification to impacted families within 30-days of making such change. This waiver will not apply to any changes to resident charges.

Temporary amendment will expire on July 31, 2020, or at a time determined by HUD through waiver extension.

5. EXTENSION OF DEADLINE FOR OBLIGATION AND EXPENDITURE OF CAPITAL FUNDS

PHAs are required to obligate HUD capital funds no later than 24 months after the date funds became available and are required to expend such funds no later than 48 months after the funding availability date. During this health emergency, LHA may extend the obligation date by one year from the current obligation and expenditure date.

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FAMILY SELF SUFFICIENCY PROGRAM ACTION PLAN AMENDMENT

1. FAMILY SELF SUFFICIENCY PROGRAM: CONTRACT EXTENSION

The Family Self Sufficiency program allows for the extension of an FSS contract of participation for a two-year period for good cause. During this health emergency, program participants may extend their contracts using COVID-19 as good cause for a period not to extend beyond December 31, 2020.

Temporary amendment will expire on December 31, 2020, or at a time determined by HUD through waiver extension.

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