



Tucson Pima Collaboration
To End Homelessness

**HUD SEPTEMBER 30
COVID-19 WAIVER NOTICE
OCTOBER 8, 2020**

WEBINAR HOUSEKEEPING

- You will be muted throughout the presentation. There will be time for questions and answers at the end of webinar as time permits.
- If you have difficulty connecting, please email Austin.Puca@tucsonaz.gov for assistance. If you are unable to connect, a recording of the webinar will be posted to the TPCH website within the next 48 hours.

AGENDA

- Purpose and Scope of Today's Discussion
- Updated Continuum of Care Program and Youth Homelessness Demonstration Project Waivers
- Updated Emergency Solutions Grant Waivers
- Recordkeeping Requirements
- Waiver Notification/Request Processes
- Q&A

PURPOSE AND SCOPE

Today's session will:

- Provide an update on newly introduced and extended waivers for ESG, YHDP, and CoC Projects
- Provide reference resources for agencies seeking to make use of HUD waivers

Today's session will not:

- Replace the need to review HUD guidance independently
- Provide all details needed to ensure compliance with HUD waiver requirements



**CONTINUUM OF CARE PROGRAM
& YOUTH HOMELESSNESS
DEMONSTRATION PROJECT**

COC/YHDP WAIVER TIMELINE

March 31, 2020 – HUD Issues Megawaiver Memo (Waiver #1)

<https://www.hudexchange.info/resource/6007/availability-of-waivers-of-community-cpd-grant-program-and-consolidated-plan-requirements-to-prevent-the-spread-of-covid19-and-mitigate-economic-impacts-caused-by-covid19/>

May 22, 2020 – HUD Issues Availability of Additional Waivers Memo (Waiver #2)

https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_for_CPD_Grant_Programs_to_Prevent_COVID-19_Spread_and_Mitigate_COVID-19_Economic_Impacts.pdf

September 30, 2020 – HUD Issues Availability of Additional Waivers Memo (Waiver #3)

<https://www.hud.gov/sites/dfiles/CPD/documents/CPD-COVID-19-Waiver-3-Final-Clean.pdf>

COC/YHDP: ELIGIBLE HOUSING SEARCH & COUNSELING SERVICES AUTHORIZED MARCH 31, 2020 – NO CHANGES IN SEPTEMBER 31 MEMO

REGULATORY REQUIREMENT	AVAILABLE WAIVER
With respect to program participant’s debts, normally only the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues are allowed.	The limitation on eligible housing search and counseling activities is waived so funds may be used for utility arrears and rent arrears (up to 6 months), when those arrears make it difficult to obtain housing. <u>This waiver is in effect until March 30, 2021.</u>

Waiver issued on March 31, 2020 and scheduled to expire on March 30, 2021.

COC/YHDP: SHORT- AND MEDIUM-TERM RENTAL ASSISTANCE AUTHORIZED MAY 22, 2020 – NO CHANGES IN SEPTEMBER 31 MEMO

REGULATORY REQUIREMENT	AVAILABLE WAIVER
CoC Program funds may be used to provide short-term (up to 3 months) or medium-term (3-24 months) tenant-based rental assistance.	<p>The 24-month rental assistance restriction is waived for participants in rapid rehousing projects who:</p> <ul style="list-style-type: none">a) reach 24 months of rental assistance on or after May 22, 2020 but before state/local health officials determine that special measures are no longer necessary to prevent the spread of the pandemic, andb) are unable to afford their rent without additional rental assistance. <p>These participants may receive up to 3 months of rental assistance after state/local health officials determine that special measures are no longer necessary.</p>

Waiver issued on May 22, 2020 and scheduled to expire at end of pandemic.

COC/YHDP: HOUSING QUALITY STANDARDS – REINSPECTION OF UNITS AUTHORIZED MARCH 31, 2020 – NO CHANGES IN SEPTEMBER 31 MEMO

REGULATORY REQUIREMENT	AVAILABLE WAIVER
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.	The annual re-inspection requirement is waived until March 31, 2021.

Waiver issued on March 31, 2020 and scheduled to expire on March 30, 2021.

COC/YHDP WAIVER #1 (NEW) THIRD-PARTY DOCUMENTATION OF INCOME

REGULATORY REQUIREMENT

Recipients are required to keep records of participants' income and the back-up documentation used to determine income. Only if source documents and third-party verification are unobtainable is a written certification from the program participant acceptable documentation of income.

AVAILABLE WAIVER

The requirement that a recipient or subrecipient may only rely on participant self-certification of income if other permitted types of documentation are unobtainable is waived until December 31, 2020.

Self-certification must be written and may include the amount of income the program participant expects to receive over the 3-month period following the income evaluation.

COC/YHDP WAIVER #2 (AMENDED AND EXTENDED) HQS INITIAL INSPECTION – PERMANENT SUPPORTIVE HOUSING

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.	Physical inspection of unit is waived if <ul style="list-style-type: none">a. <u>(new) owner certifies that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit(s); and</u>b. recipient or subrecipient has written policies to physically re-inspect within 3 months after public health officials determine special measures no longer needed to prevent spread of COVID-19. <u>Waiver is in effect until December 31, 2020.</u>

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020. September 30 Waiver Notice replaces requirement for virtual inspection with requirement of owner Certification and extends waiver until December 31, 2020.

COC/YHDP WAIVER #3 (NEW) SUITABLE DWELLING SIZE AND HQS – RAPID REHOUSING

REGULATORY REQUIREMENT	AVAILABLE WAIVER
<p>Units funded with CoC Program or YHDP funds must have at least one bedroom or living/sleeping room for each two persons.</p>	<p>This requirement is waived for recipients providing Rapid Rehousing assistance for leases and occupancy agreements <u>between September 30, 2020 and December 31, 2020.</u></p> <p>This waiver extends only until the later of 1) the end of the initial term of the lease or occupancy agreement; or 2) December 31,2020.</p> <p>This waiver does not waive the expectation that recipients comply with State/local occupancy laws.</p>

COC/YHDP WAIVER #4 (NEW) COORDINATED ENTRY SYSTEM PLANNING

This waiver relates to annual evaluation and stakeholder consultation processes for the local Coordinated Entry System. It will not be covered in this presentation.

Refer to September 30 HUD Memo for further information.

COC/YHDP WAIVER #5 (NEW) HOMELESS DEFINITION – TEMPORARY STAYS IN INSTITUTIONS

REGULATORY REQUIREMENT

An individual who is exiting an institution where they have resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution is considered homeless per 24 CFR 578.3 definition of homeless

AVAILABLE WAIVER

An individual may qualify as homeless under paragraph (1)(iii)the homeless definition in 24 CFR 578.3 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

This waiver is in effect until March 31, 2021.

COC/YHDP WAIVER #6 (EXTENDED) ASSISTANCE AVAILABLE AT TIME OF RENEWAL

REGULATORY REQUIREMENT	AVAILABLE WAIVER
24 CFR 578.33(c) requires that budget line amounts a recipient is awarded for renewal in the Continuum of Care Program Competition be based on the amounts in the final year of the prior funding period for the project.	The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is waived for all projects that amend their grant agreement <u>between March 31, 2020 and December 31, 2020</u> to move funds between budget line items in a project in response to the COVID-19 pandemic.

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020.
September 30 Waiver Notice extends waiver until December 31, 2020.

****HUD does not require notification for this waiver and will consider all budget amendments during the time period covered by this waiver to be pandemic-related.**

COC/YHDP WAIVER #7 (EXTENDED) MONTHLY CASE MANAGEMENT – RAPID REHOUSING

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Recipients must require program participants of RRH projects to meet with a case manager at least monthly; exempt if VAWA prohibits making housing conditional on acceptance of services.	The monthly RRH case management meeting requirement is waived for all rapid re-housing projects <u>until December 31, 2020</u> . Provide case management on as-needed basis to prevent spread of COVID-19.

Waiver originally issued on March 31, 2020, extended on May 22, 2020, and scheduled to expire on September 30, 2020.

September 30 Waiver Notice extends waiver until December 31, 2020.

COC/YHDP WAIVER #8 (EXTENDED) FAIR MARKET RENT FOR INDIVIDUAL UNITS & LEASING COSTS

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).	The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing <u>between March 31, 2020 and December 31, 2020</u> . Unit must still meet rent reasonableness.

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020. September 30 Waiver Notice extends waiver through December 31, 2020.

COC/YHDP WAIVER #9 (EXTENDED) DISABILITY DOCUMENTATION – PERMANENT SUPPORTIVE HOUSING

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Recipients must document a qualifying disability of a household member; when through intake worker's observation, must obtain additional evidence within 45 days.	<p>Additional evidence requirement is waived. Recipients can rely on intake staff-recorded observation of disability <u>until public health officials determine no additional special measures needed to prevent spread of COVID-19.</u></p> <p><i>Written self-certification of qualifying disability is acceptable documentation during the covered time period.</i></p>

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020. September 30 Waiver Notice extends waiver until the end of the pandemic.

COC/YHDP WAIVER #10 (EXTENDED) ONE-YEAR LEASE REQUIREMENT– PERMANENT SUPPORTIVE HOUSING

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.	The one-year lease requirement is waived <u>for leases executed between March 31, 2020 and December 31, 2020</u> , so long as the initial lease term of all leases is at least one month.

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020.
September 30 Waiver Notice extends waiver for all leases executed on or before December 31, 2020.



EMERGENCY SOLUTIONS GRANT

EXCLUDED FROM THIS PRESENTATION

This presentation is intended for project staff delivering and/or administering ESG services in the community. Waivers affecting the administrative requirements of the prime ESG grant recipients (State of Arizona, Pima County, City of Tucson) that do not relate to service provision have been excluded from this presentation.

Examples include match requirements, annual action plan requirements, procurement standards, environmental review requirements, component caps, etc.

ESG WAIVER TIMELINE

March 31, 2020 – HUD Issues Megawaiver Memo (Waiver #1)

<https://www.hudexchange.info/resource/6007/availability-of-waivers-of-community-cpd-grant-program-and-consolidated-plan-requirements-to-prevent-the-spread-of-covid19-and-mitigate-economic-impacts-caused-by-covid19/>

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September 1, 2020 – HUD Issues ESG-CV Notice

<https://www.hud.gov/sites/dfiles/OCHCO/documents/20-08cpdn.pdf>

September 30, 2020 – HUD Issues Availability of Additional Waivers Memo (Waiver #3)

<https://www.hud.gov/sites/dfiles/CPD/documents/CPD-COVID-19-Waiver-3-Final-Clean.pdf>

USE OF ESG WAIVERS

In Pima County, ESG funds are subawarded to agencies by Arizona Department of Economic Security, Pima County, and the City of Tucson.

Waivers must be requested by the government body and incorporated into annual plans that must be approved by HUD.

Each government has or is in the process of identifying/obtaining HUD approval for the waivers that will be extended to subrecipient agencies.

Availability, use, and timeline of waivers will vary based on the government entity through which your project receives funds.

You must consult with your program officer at the City, County, and/or State and obtain approval prior to using any ESG waivers.

ESG-CV NOTICE ISSUED BY HUD SEPTEMBER 1, 2020

OVERVIEW OF WAIVERS AND ALTERNATIVE REQUIREMENTS

Additional Eligible Costs

- Temporary emergency shelter leasing, acquisition, renovation, operations, and services
- Training on infectious disease prevention and mitigation for project staff
- Hazard pay for direct care staff
- Hotel/motel costs
- Handwashing stations and portable bathrooms
- Landlord incentives
- Volunteer incentives

September 1 HUD-ESG CV Notice for additional requirements regarding these additional eligible costs. To be eligible, costs must be approved by government ESG grant recipient; used to prevent, prepare for, or respond to the pandemic; and approved by HUD as part of the ESG grant recipient's annual action plan.

ESG: SHORT AND MEDIUM-TERM RENTAL ASSISTANCE AUTHORIZED SEPTEMBER 1

REGULATORY REQUIREMENT

ESG Program funds may be used to provide short-term (up to 3 months) or medium-term (3-24 months) tenant-based rental assistance.

AVAILABLE WAIVER

The 24-month rental assistance restriction is reduced to 12 months for all projects funded through CARES Act ESG-CV funds.

September 1 ESG-CV Notice limits the use of Rental Assistance for up to 12 months for all ESG-CV funds.

**ESG: HMIS LEAD ACTIVITIES
AUTHORIZED MARCH 31, 2020 – EXTENDED/AMENDED SEPTEMBER 1**

REGULATORY REQUIREMENT	AVAILABLE WAIVER
ESG funds may be used to pay the costs of managing and operating the HMIS, provided that the ESG recipient is the HMIS Lead.	The condition that the recipient must be the HMIS Lead is waived to allow any recipient to use ESG funds to pay costs of upgrading or enhancing its local HMIS to incorporate data on ESG participants and activities related to COVID-19 <u>during the pandemic period.</u>

Waiver originally issued on March 31, 2020 and scheduled to expire on September 30, 2020. September 1 ESG-CV Notice extends waiver during the period that ESG funds are used to prevent, prepare for, and respond to the pandemic (consult with grant officer for timeline).

ESG: LEGAL SERVICES

ALTERNATIVE ESG-CV REQUIREMENT INTRODUCED SEPTEMBER 1

REGULATORY REQUIREMENT

Certain legal costs are eligible under the ESG Housing Relocation and Stabilization, and ESG Essential Services lines.

ALTERNATIVE REQUIREMENT

Legal services established in 24 CFR 576.102(a)(1)(vi) and 24 CFR 576.105(b)(4) are limited to those services necessary to help participants obtain housing or prevent the loss of housing where a participant currently resides

ESG: HOUSING STABILITY CASE MANAGEMENT AUTHORIZED MARCH 31, 2020 – EXTENDED/AMENDED SEPTEMBER 1

REGULATORY REQUIREMENT	AVAILABLE WAIVER
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.	<p>The monthly case management requirement is waived <u>during the pandemic period</u>.</p> <p>Recipients are to provide case management on an as needed basis and reduce the possible spread of COVID-19.</p>

Waiver originally issued on March 31, 2020 and extended on May 22, 2020 (scheduled to expire on September 30, 2020).

September 1 ESG-CV Notice extends waiver during the period that ESG funds are used to prevent, prepare for, and respond to the pandemic (consult with grant officer for timeline).

ESG WAIVER TEMPORARY EMERGENCY SHELTER AND HOUSING STANDARDS

This waiver relates to requirements for buildings for which ESG funds are used for conversion, major rehabilitation, or other renovation for the purposes of temporary emergency shelter and will not be covered in this presentation.

Consult HUD's September 1 ESG-CV Notice for further information.

ESG: RE-EVALUATIONS FOR HOMELESS PREVENTION ASSISTANCE AUTHORIZED MARCH 31, 2020 – EXTENDED/AMENDED SEPTEMBER 1

REGULATORY REQUIREMENT	AVAILABLE WAIVER
<p>Homelessness prevention assistance is subject to re-evaluation of each participant's eligibility need for assistance not less than once every 3 months.</p>	<p>The required 3-month frequency of re-evaluations for homelessness prevention assistance is waived so long as the recipient or subrecipient conducts the required re-evaluations not less than once every 6 months, <u>for up to 2-years beginning on the date of HUD's March 31, 2020 memo.</u></p>

Waiver originally issued on March 31, 2020 and scheduled to expire on March 30, 2022.

ESG: HOUSING QUALITY STANDARDS – FAIR MARKET RENT LIMITS AUTHORIZED MARCH 31, 2020 – EXTENDED/AMENDED SEPTEMBER 1

REGULATORY REQUIREMENT	AVAILABLE WAIVER
Rental assistance cannot be provided unless total rent is at or below FMR and complies with rent reasonableness.	The FMR restriction is waived for any individual or family receiving RRH or Homelessness Prevention rental assistance <u>during the pandemic period</u> *. Units must still meet rent reasonableness.

Waiver originally issued on March 31, 2020, extended May 22, 2020, and further authorized in September 1 ESG-CV Notice.

*September 1 ESG-CV Notice extends waiver during the period that ESG funds are used to prevent, prepare for, and respond to the pandemic (consult with grant officer for timeline).

COC/YHDP WAIVER #5 (NEW) HOMELESS DEFINITION – TEMPORARY STAYS IN INSTITUTIONS

REGULATORY REQUIREMENT

An individual who is exiting an institution where they have resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution is considered homeless per 24 CFR 576.2, definition of homelessness.

AVAILABLE WAIVER

An individual may qualify as homeless under paragraph (1)(iii)the homeless definition in 24 CFR 576.2 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

This waiver is in effect until March 31, 2021.

RECORDKEEPING REQUIREMENTS

Recipients must update agency program records to include written documentation of the specific conditions that justify the recipient's use of the waiver consistent with the justifications outlined in HUD's Memorandum.

HUD memos include specific documentation requirements for several of the waiver options (i.e. agency must have a policy to conduct physical HQS inspections within 45 day of pandemic end, etc.). If using a waiver, agencies are advised to carefully examine and abide by recordkeeping requirements.

Download HUD's recommended template for waiver recordkeeping at <https://tpch.net/coronavirus-and-homelessness-resource-guide/>.

NOTIFICATION REQUIREMENTS

Grant recipients must provide notification in writing to the San Francisco CPD Field Office **at least two days before** the recipient anticipates using the waiver.

Written notifications should be submitted to CPD_COVID-19WaiverSFO@hud.gov.

The Region IX CPD Field Office has released a template that should be used for all notifications. Available at <https://tpch.net/coronavirus-and-homelessness-resource-guide/>. **(Updated 10/7/20)**

Provisions that are not specifically waived remain in full effect.

SUBRECIPIENT WAIVER USE REQUESTS

CITY OF TUCSON: Email the City of Tucson Project Coordinator managing the project for which your agency is a subrecipient. Approval must be provided by the Project Coordinator before using the waiver flexibility.

PIMA COUNTY: Email the Pima County Project Coordinator managing the project for which your agency is a subrecipient. Approval must be provided by the Project Coordinator before using the waiver flexibility.

ARIZONA DEPARTMENT OF ECONOMIC SECURITY: Email christyparker@azdes.gov if you have specific waiver requests. Indicate the waivers(s) for which you seek approval and reason for use consistent with the justifications provided by HUD. Approval must be provided by the Project Coordinator before using the waiver flexibility.

OTHER PRIMARY RECIPIENTS: Contact the primary grant recipient for the project(s) for which your agency is a subrecipient to discuss.

Q&A SESSION





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**THANK YOU FOR
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