

Housing Authority of the City of La Crosse

1307 BADGER STREET
POST OFFICE BOX 1053
LA CROSSE, WISCONSIN 54602-1053
PHONE (608) 782-2264
FAX (608) 782-2262
TDD (608) 782-2261



RESOLUTION 2238

05/13/2020

Board of Commissioners

Steve Schauf, Executive Director

RE: Adoption of HUD Waivers - COVID-19 Policy and Procedures Changes

Article I. Background

The Department of Housing and Urban Development has authorized all public housing authorities to implement certain waivers from its normal requirements without prior HUD approval (PIH Notice 2020-05, SUBJECT: COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program).

Be it resolved by the Housing Authority of the City of La Crosse that due to the COVID-19 emergency, it has chosen to implement the following waivers all of which were implemented on April 10, 2020. They are being ratified by the Board of Commissioners on May 13, 2020. Any HUD extension of the dates mentioned below shall be automatically approved by the Housing Authority without further Board action.

The waivers selected are based on the La Crosse Housing Authority's local situation. The descriptions of the specific waivers below are brief summaries. The PHA shall fully understand and comply with the waivers as described in the aforementioned HUD Notice in all their particularities.

The Executive Director is hereby delegated the express authority to nullify any waiver and end this modification of the procedures and/or policies at such time as the Executive Director determines appropriate. Also, the Executive Director may choose to not take advantage of any of these waivers at the Executive Director's sole discretion.

Article II. Waivers

Family Income and Composition: Interim Examinations

In accordance with Notice PIH 2020-05 (PH and HCV-4; Page 9); The LHA will forgo third-party income verification requirements for interim reexaminations, including the required use of EIV during the allowable period of eligibility. The LHA will consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone with a contemporaneous written record by LHA staff, through email or other electronic communications. In the event any material discrepancies arise at a later date (i.e. tenant self-certified that the tenant lost their job, but later the EIV IVT Report shows the tenant's employment continued, the LHA must take enforcement action that is consistent with its policies and procedures).

The interim recertification effective date will be the first of the month, following the month reported in.

The period of availability ends on July 31, 2020 or until amended, superseded, rescinded or when pandemic is mitigated.

Statutory Authority: Section 3(a)(1) of the USHA of 1937
Regulatory Authority: 24 CFR § 5.233(a)(2) - HCV and Public Housing
Regulatory Authority: 24 CFR § 982.516(c)(2) - HCV
Regulatory Authority: 24 CFR § 960.257(b) and (d) - Public Housing
Sub-regulatory Guidance: PIH Notice 2018-18

HQS Initial Inspection Requirement – Alternative Inspection Option

In accordance with Notice PIH 2020-05 (HQS-4; Page 15); The LHA is delaying the requirement that the PHA must conduct its own inspection of the unit in order to commence making assistance payments under the Initial Inspection – Alternative Inspection option. Under this waiver and alternative requirement, the LHA will commence assistance payments at the beginning of the lease term based on an alternative inspection. The LHA will require the owner's written certification that he/she has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The LHA will conduct the HQS inspection for the unit under this waiver authority as soon as reasonably possible but no later than October 31, 2020 or until amended, superseded, rescinded or when pandemic is mitigated.

Statutory Authority: Section 8(o)(8)(A)(iii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016:
Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

HQS Inspection Requirement – Biennial Inspections

In accordance with Notice PIH 2020-05 (HQS-5; Page 15); The LHA will delay the requirement to conduct on-site housing quality inspections. The LHA will contact the voucher holder by phone, email or other electronic communications to review housing quality standards. The LHA will send written correspondence to the landlord concerning any item(s) that may need repair. Owner must either make the repair or document that the deficiency no longer exists within 30 days. In the event a life-threatening issue is described, the LHA will contact the owner or property manager by phone, email or other electronic communications and require the landlord to correct the deficiency within 24 hours. In this event, the LHA will inspect the unit within 15 days or require the landlord verify the repairs have been made by photos submitted to the LHA or tenant certification. In the event of extraordinary circumstances, the LHA may waive the 15-day inspection requirement, until such time as an inspection is feasible.

The period of availability ends July 31, 2020 or until amended, superseded, rescinded or when pandemic is mitigated or upon notification by a family or government official that the assisted unit does not comply with HQS.

Statutory Authority: Section 8(o)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

Administrative Plan

In accordance with Notice PIH 2020-05 (HCV-1; Page 19); The regulation requires that any revisions of the PHA's administrative plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval.

The period of availability ends on July 31, 2020

Automatic Termination of HAP Contract

In accordance with Notice PIH 2020-05 (HCV-6; Page 21); When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, the LHA by regulation is required to automatically terminate HAP contract 180 days after the last housing assistance payment to the owner. In recognition that the COVID-19 emergency is creating economic and employment instability for many families, as well as situations where families may on a temporary basis by adding members who additional income may result in a \$0 HAP subsidy calculation, the LHA will extend the \$0 HAP subsidy calculation until December 31, 2020. The LHA will inform in writing, a notice to the owner and family of extension.

The period of availability ends December 31, 2020.

Regulatory Authority: 24 CFR § 982.455

Increase in Payment Standard Under HAP Contract Term

In accordance with Notice PIH 2020-05 (HCV-7; Page 21); The regulation requires that if the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in payment standard amount. In recognition of the COVID-19 emergency the LHA will apply the increased payment standard at any time of interim reexamination or owner rent increase; after the effective date of the increase in the payment standard amount – provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

The period of availability ends December 31, 2020 or until amended, superseded, rescinded or when pandemic is mitigated.

Regulatory Authority: 24 CFR § 982.505(c)(4)

ACOP: Adoption of Tenant Selection Policies

In accordance with Notice PIH 2020-05 (PH-4; Page 24); The regulation requires that the PHA policies in the ACOP must be duly adopted and implemented. HUD is waiving this requirement to permit PHAs to adopt and implement changes to the ACOP on an expedited basis, without formal board approval. Please note that the requirement for tenant selection policies to be consistent with the fair housing and equal opportunity at § 5.105 remains in effect.

The period of availability ends on July 31, 2020

Community Service and Self-Sufficiency Requirement (CSSR)

In accordance with Notice PIH 2020-05 (PH-5; Page 25); The statute and regulations require that each adult resident of public housing except for any family member that is exempt, must contribute 8 hours per month of community service or participate in an economic self-sufficiency program or a combination of both. A family's noncompliance with the service requirement is grounds for non-renewal of the lease at the end of the lease term. HUD is waiving this requirement and is alternatively suspending the community service and self-sufficiency requirement. The LHA adopts this waiver, tenants will not be subject to this requirement until the family's next annual reexamination. After the LHA completes an annual reexamination for the family, the CSSR will become effective again for family members for the subsequent annual reexamination cycle.

The period of availability ends on March 31, 2021.

Statutory Authority: Section 12(c) of the USHA of 1937

Regulatory Authority: 24 CFR § 960.603(a) and 960.603(b)

PHAS, SEMAP, and Uniform Financial Reporting Standards

In accordance with Notice PIH 2020-05 (PH-11, a & b.; Page 27)

a. PHAS

HUD is suspending physical inspections for housing authorities unless the PHA requests a new PHAS score. New PHAS scores will not be issued for PHAs with a fiscal year ending on or before December 31, 2020. PHAS scoring will resume for PHAs with fiscal years ending March 31, 2021.

b. SEMAP

SEMAP scores are being suspended for PHAs whose fiscal year ends on or before December 31, 2020 unless the PHA requests a new SEMAP score. SEMAP scores will resume for PHAs with fiscal years ending March 31, 2021.

Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds

In accordance with Notice PIH 2020-05 (PH-12, c.; Page 30); HUD has automatically extended both the obligation end date and the expenditure end date for all open Capital Fund grants by one year from the current obligation and expenditure end date; however, no programmatic expenditure end date shall be extended beyond one month prior to the closure of the relevant appropriation account, pursuant to 31 U.S.C. § 1552.

Statutory Authority: Section 9(j)

Regulatory Authority: 24 CFR § 905.306(d)(5) and 905.306(f)

A full copy of PIH Notice 2020-05 is available upon request.

Article III. Recommendation

It is the recommendation of the Executive Director the Board adopt the aforementioned COVID-19 related policy and procedural changes allowed by HUD regulatory waivers under the CARES Act and PIH Notice 2020-05.