

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

COVID-19 Statutory and Regulatory Waivers

Pursuant to authority provided by PIH Notice 2020-05 and PIH Notice 2020-13 (HA), REV-1 the Housing Authority of the City and County of Denver (“DHA”) Housing Choice Voucher (HCV/Section 8) Department is implementing the following waivers. Unless otherwise noted these waivers are effective April 10, 2020 through December 31, 2020. DHA will provide public notice in a voicemail message on its main or general information telephone number and through DHA’s website.

DHA’s HCV Department has implemented the following waivers and incorporates them into the Administrative Plan:

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

Statutory Authority: Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), and Section 5A(h)(2) of the United States Housing Act of 1937 (hereafter “the USHA of 1937”)

Regulatory Authority: 24 CFR §§ 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23

DHA’s 5-Year and Annual Plan Submission date is currently scheduled for October 18, 2020. DHA will submit its Annual Plan no later than January 16, 2021.

HCV-2. Family Income and Composition: Delayed Annual Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR § 982.516(a)(1) – HCV

DHA may delay annual recertifications for Public Housing families due to COVID-19 through December 31, 2020. All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020.

HCV-3. Family Income and Composition: Annual Examination - Income Verification requirements

Regulatory Authority: 24 CFR § 5.233(a)(2)

Regulatory Authority: 24 CFR §982.516(a) - HCV

Sub-regulatory Guidance: PIH Notice 2018-18

DHAs may forgo, if necessary, third-party income verification requirements for annual reexaminations including the use of the Enterprise Income Verification (EIV) System, rather than delaying the family’s annual recertification.

HCV- 4. Family Income and Composition: Interim Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR § 5.233(a)(2)

Regulatory Authority: 24 CFR § 982.516(c)(2) - HCV

Sub-regulatory Guidance: PIH Notice 2018-18

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

DHAs may forgo, if necessary, third-party income verification requirements for annual reexaminations including the use of the Enterprise Income Verification (EIV) System, rather than delaying the family's annual recertification.

HCV-5. Enterprise Income Verification (EIV) Monitoring

Regulatory Authority: 24 CFR § 5.233

Sub-regulatory Guidance: PIH Notice 2018-18

DHA will not be monitoring EIV Reports on a monthly basis through December 31, 2020.

HCV-6. Family Self-Sufficiency ("FSS") Contract of Participation: Contract Extension

Regulatory Authority: 24 CFR § 984.303(d)

DHA's Resident & Community Services ("RCS") has implemented the following waiver for the Family Self Sufficiency ("FSS") Program, which allows RCS to use COVID-19 as good cause to extend an FSS contract if clients were unable to meet their goals as a result of COVID-19. The period of availability during which DHA may extend the family's contract of participation using COVID-19 as the "good cause" ends on December 31, 2020.

HCV-7. Waiting List: Opening and Closing; Public Notice

Regulatory Authority: 24 CFR § 982.206(a)(2)

Sub-regulatory Guidance: PIH Notice 2012-34

Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 pandemic, when its waiting list is open, DHA will provide public notice in a voicemail message on its main or general information telephone number and through DHA's website.

Housing Quality Standards (HQS) Inspections:

HCV-1. Initial Inspection Requirements

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8)(C) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

From March 16, 2020 through December 31, 2020, rather than performing Housing Quality Standards (HQS) Inspections, DHA may rely on an owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. DHA will conduct an HQS Inspection as soon as reasonably possible, but no later than the 1-year anniversary date of the owner's certification.

HQS-2. Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 983.103(b), 983.156(a)(1)

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

From March 16, 2020 through December 31, 2020, rather than performing Housing Quality Standards (HQS) Inspections, DHA may rely on an owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. DHA will conduct an HQS Inspection as soon as reasonably possible, but no later than the 1-year anniversary date of the owner's certification.

HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option

Statutory Authority: Section 8(o)(8)(A)(ii) 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 (published January 18, 2017)

From March 16, 2020 through December 31, 2020, DHA may approve an assisted tenancy, execute the HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of NLT conditions. DHA will withhold housing assistance payments from the owner if the NLT conditions are not corrected within 30 days. DHA may provide an extension of up to an additional 30 days to the owner to make the NLT repairs and continue to make payments to the owner during the period of that maximum 30-day extension. If the owner has not made the NLT repairs by the end of the DHA extension period, DHA must withhold payments. This NLT initial inspection option is available to the PHA for both tenant-based units and project-based units.

HQS-4: HQS Initial Inspection Requirement: Alternative Inspection Option

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 (published January 18, 2017)

From March 16, 2020 through December 31, 2020, DHA may authorize occupancy of a unit prior to the initial inspection being completed if the unit had in the previous 24 months passed an alternative inspection. DHA may make assistance payments retroactive to the beginning of the lease term once the unit had been determined to meet HQS pursuant to the PHA's inspection.

Alternative Inspection option. DHA may commence assistance payments at the beginning of the lease term based on the alternative inspection and the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. DHA will conduct the HQS inspection for the unit for which it has commenced assistance payments as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification. This initial inspection option is available to the PHA for both tenant-based units and project based units.

HQS-5: HQS Inspection Requirement: Biennial Inspections

Statutory Authority: Section 8(o)(D) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

From March 16, 2020 through December 31, 2020, if a unit has been scheduled for a biennial inspection DHA may delay the inspection for tenant-based and PBV units. All delayed biennial inspections will be completed as soon as reasonably possible but no later than one year after the date the biennial inspection would have been required absent the waiver.

HQS-6: HQS Interim Inspections

Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.405(g), 983.103(e)

From March 16, 2020 through December 31, 2020, if DHA is notified that an assisted unit (both tenant and project based) does not comply with HQS, if the reported deficiency is life-threatening, DHA will notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the DHA notification or provide documentation (e.g., text or email a photo to DHA) that the reported deficiency does not exist. In the case of a reported non-life-threatening deficiency, DHA must notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of DHA's notification or any approved DHA extension. DHA may choose not to conduct an on-site inspection to verify the repairs have been made but may rely on alternative verification methods (e.g., photos submitted by the owner, tenant certification, etc.). After December 31, 2020, DHA must conduct the HQS inspection in accordance with the applicable time periods upon notification that the assisted unit does not comply with the HQS.

HQS-7: PBV Turnover Unit Inspections

Regulatory Authority: 24 CFR § 983.103(c)

From March 16, 2020 through December 31, 2020, rather than performing Housing Quality Standards (HQS) Inspections, DHA may rely on an owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. DHA will conduct an HQS Inspection as soon as reasonably possible, but no later than the 1-year anniversary date of the owner's certification.

HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Units

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

Sub-regulatory Guidance: Housing Opportunity Through Modernization Act of 2016: Implementation of Various Section 8 Voucher Provisions" (82 Federal Register 5458, Jan. 18, 2017)

At the discretion of DHA and subject to all PBV requirements (including the program cap and income-mixing requirements), DHA may amend the HAP contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit. The PBV requirements include inspecting the proposed substitute or additional unit to determine that the unit meets HQS before it may be added to the HAP contract. From March 16, 2020 through

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

December 31, 2020, rather than performing HQS Inspections, DHA may rely on an owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. DHA will conduct an HQS Inspection as soon as reasonably possible, but no later than the 1-year anniversary date of the owner's certification.

HQS-9: HQS Quality Control Inspections

Regulatory Authority: 24 CFR § 982.405(b), 983.103(e)(3)

DHA is waiving the requirement that each dwelling unit have at least one (1) bedroom or living/sleeping room for each 2 persons through December 31, 2020 for any family that has with DHA's approval added a member or members to the assisted household as a result of the COVID-19 pandemic, and the additional family members would result in the unit not meeting the space and security standards. This waiver does not apply to an initial or new lease. For any family occupying a unit that does not meet the space and security requirements pursuant to this waiver, the waiver will be in effect for the duration of the current lease term or one year from July 2, 2020 whichever period of time is longer.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS: GENERAL

HCV-1: Administrative Plan

Regulatory Authority: 24 CFR § 982.54(a)

DHA's HCV Department may revise its Administrative Plan on a temporary basis without Board Approval through September 30, 2020. Any informally adopted revisions under this waiver authority must be formally adopted no later than December 31, 2020. Any changes to the Administrative Plan as a result of these waivers are hereby incorporated into the Administrative Plan.

HCV-2: Information When Family is Selected: PHA Oral Briefing

Regulatory Authority: 24 CFR § 982.301(a)(1), § 983.252(a)

From March 16, 2020 through December 31, 2020, rather than provide an oral briefing to families selected to participate in the HCV or PBV program, DHA may conduct the briefing by other means such as a webcast, video call, or expanded information packet. Currently DHA is conducting orientations by Zoom and phone.

HCV-3: Term of Voucher: Extensions of Term

Regulatory Authority: 24 CFR § 982.303(b)(1)

From March 16, 2020 through December 31, 2020, DHA will issue vouchers for 60 days with an automatic extension of an additional 60 days (due to COVID 19).

HCV-4: PHA Approval of Assisted Tenancy: When HAP Contract is Executed

Regulatory Authority: 24 CFR § 982.305(c)

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

From March 16, 2020 through December 31, 2020, DHA is extending the normal 60-day period from the beginning of the lease term to execute the HAP contract to no later than 120 days from the beginning of the lease term. DHA may not make any housing assistance payments to the owner until the HAP contract is executed.

HCV-5: Absence from Unit

Regulatory Authority: 24 CFR § 982.312

Through December 31, 2020, for a family absent from the unit for a period of more than 180 consecutive calendar days, DHA may at its discretion continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members).

HCV-6: Automatic Termination of HAP Contract

Regulatory Authority: 24 CFR § 982.455

When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, DHA is required to terminate HAP contracts 180 days after the last housing assistance payment to the owner. As an alternative requirement, DHA, upon written notice to the owner and family, may extend the period of time following the last payment to the owner that triggers the automatic termination of the HAP contract. The extension beyond the normally applicable 180 days is determined may not extend beyond December 31, 2020.

HCV-7: Increase in Payment Standard during HAP Contract Term

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

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 the payment standard amount.

Due to a projected funding shortfall DHA is not currently adjusting payments standards under this waiver authority. DHA reserves the right to implement as an alternative requirement to apply the increased payment standard at any time (e.g., interim reexamination, 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.

HCV-8: Utility Allowance Schedule: Required Review and Revision

Regulatory Authority: 24 CFR § 982.517

DHA may delay its review and update of utility allowances to a period no later than December 31, 2020.

Este es un documento importante. Para obtener asistencia gratuita con el idioma, contáctese con el Departamento de Sección 8, el Departamento de Ocupación o la División de Administración de Vivienda.

HCV-14: Mandatory Removal of Unit from PBV HAP Contract

Regulatory Authority: 24 C.F.R. §983.211(a); §983.258

Under the PBV program, DHA is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. DHA may at its discretion keep such units under contract for a period of time that exceeds 180 days but does not extend beyond December 31, 2020.

PHAS, SEMAP, AND UNIFORM FINANCIAL REPORTING STANDARDS

b. SEMAP

Regulatory Authority: 24 CFR Part 985

DHA acknowledges that Part 985 sets out the requirements by which Section 8 tenant-based assistance programs are assessed. For PHAs that have a SEMAP score pending as of the date of this Notice, and for any PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new SEMAP score unless the PHA requests a that new SEMAP score be issued. HUD will instead carry forward the most recent SEMAP score on record. Period of Availability: HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of March 31, 2021.