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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”) 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 Housing Management Division (Public Housing/Tax Credit/Multifamily) has implemented the following waivers and incorporates them into DHA’s Admission and Continued Occupancy Policy (“ACOP”):

- I.7. 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.

PH 2. Family Income and Composition: Delayed Annual Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937
Regulatory Authority: 24 CFR § 960.257(a) - Public Housing

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.

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

Regulatory Authority: 24 CFR § 5.233(a)(2)
Regulatory Authority: 24 CFR §960.259(c) Public Housing
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.

PH 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 §§ 960.257(a), (b), and (d); 960.959(c)
Sub-regulatory Guidance: PIH Notice 2018-18

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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.

PH 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.

PH 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:

RCS has implemented the CARES 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.

PH 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.

PH 4. ACOP: Adoption of Tenant Selection Policies

Regulatory Authority: 24 CFR § 960.202(c)(1)

DHA may adopt and implement changes to its Admission and Continued Occupancy Policy ("ACOP") on an expedited basis, without formal board approval through September 30, 2020. Any informally adopted revisions under this waiver authority must be formally adopted no later than December 31, 2020. DHA has implemented changes to the ACOP as outlined below.

PH 5. Community Service and Self-Sufficiency Requirement ("CSSR")

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

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

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

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of the lease term. DHA is suspending/waiving its Community Service requirements from March 31, 2020 through March 31, 2021.

PH 7. Over-Income Families

Statutory Authority: Section 16(a)(5) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit (83 FR 35490, July 26, 2018)

Sub-regulatory Guidance: Notice PIH 2019-11

DHA is required by statute and the Federal Register Notice to terminate or charge an alternative rent to families whose income exceeds the program maximum income level for two consecutive years. HUD defined the two-year time period as two consecutive reexamination cycles. In order to be consistent with the delay in annual reexaminations permitted as outlined above, DHA is waiving this requirement and is permitting families to remain in their units and to continue to pay the same rental amount until such time that a DHA conducts the next annual income recertification that would impact the family.

PH 8. Resident Council Elections

Regulatory Authority: 24 CFR § 964.130(a)(1)

The regulations require that resident councils must hold elections at least once every three years for each member. DHA recognizes that conducting resident council elections may not be possible as a result of COVID-19 public health actions. DHA will delay resident council elections beyond the three-year limit if necessary. However, the delayed resident council election will be rescheduled and held as soon as reasonably possible once circumstances permit, after December 31, 2020.

PH 9. Review and Revision of Utility Allowances

Regulatory Authority: 24 CFR § 965.507

DHA may delay its review the basis on which utility allowances have been established and revise allowances if required on the basis of that review. However, any review and update of utility allowances that were due at some point in time in CY 2020 must be completed by December 31, 2020.

PH 10. Tenant Notifications for Changes to Project Rules and Regulations

Regulatory Authority: 24 CFR § 966.5

Providing 30-day notice of any changes to policies, rules and special charges to families may not be possible as a result of COVID-19. DHA will provide adequate notification to impacted families within 30 days of making such changes. Specifically, DHA will provide public notice in a voicemail message on its main or general information telephone number and through DHA's website.

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TEMPORARY CHANGES TO THE ACOP

9-III.D. PROCESSING THE INTERIM REEXAMINATION

Effective Dates

Effective March 1, 2020 through December 31, 2020 due to the COVID-19 pandemic.

If the family share of the rent is to decrease:

For any decreases of income from March 1, 2020 through December 31, 2020, the decrease will be effective on the first day of the month following the change of income regardless of when such change was reported to DHA (retroactively). For example, family reports job loss which occurred on March 15, 2020, on July 15, 2020. Any change will be effective April 1, 2020.

16-III.A. REPAYMENT POLICY

Effective March 1, 2020 through December 31, 2020 due to the COVID-19 pandemic.

Rent Charges: For any unpaid rent for the period of March 1, 2020 through December 31, 2020 DHA will enter into a Repayment Agreement for Rent. The Repayment Agreement must meet DHA's Payment Thresholds as follows:

| <i>Amount owed</i> | <i>Minimum Monthly Payment</i> |
|---------------------------|---------------------------------------|
| <i>Less than \$2,500</i> | <i>\$25.00</i> |
| <i>\$2,500-\$5,000</i> | <i>\$50.00</i> |
| <i>\$5,000-\$10,000</i> | <i>\$100.00</i> |
| <i>More than \$10,000</i> | <i>\$200.00</i> |