



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

March 25, 2022

Ms. Angela Fletcher
Director of Housing Management
Denver Housing Authority
PO Box 40305
Denver, CO 80204

Dear Ms. Fletcher:

The Department of Housing and Urban Development (HUD) reviewed the Denver Housing Authority (DHA) request submitted pursuant to **Notice PIH 2021-34, “Expedited Regulatory Waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) Programs.”** The Notice provided instructions on the expedited processing of public housing authority (PHA) requests to continue to use specific regulatory waivers for the Public Housing and Housing Choice Voucher (HCV) (including Mainstream and Mod Rehab) programs impacted by the COVID-19 pandemic. The waivers you requested are marked “Yes” in column one on the table below.

Background:

The Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) provided HUD with authority, in the context of the public health emergency, to waive statutes and regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for the HCV and Public Housing programs. Most CARES Act waivers and alternative requirements contained in notice PIH 2021-14 (published May 5, 2021) expire on December 31, 2021; specific previously exercised HCV waiver approvals may extend into 2022. Notice PIH 2021-34 provides instruction on expedited waiver processing that would allow for PHAs to continue to use specific CARES Act regulatory waivers for the Public Housing and Housing Choice Voucher (including Mainstream and Mod Rehab) programs. It also provides for an expedited approval process for one new waiver in the Housing Choice Voucher Program related to payment standards that will help facilitate leasing, which was not part of the CARES Act waivers. The regulatory waivers covered under Notice PIH 2021-34 are stated in the chart below.

DHA’s application was submitted by an authorized official and included DHA’s justifications for the waiver(s) to be granted. Notice PIH 2021-34 specifies that good cause justification must include: (a) why a PHA needs the waiver; (b) the impact on PHA operations or applicants if the waiver is not provided; and (c) the proposed waiver duration is limited to only the time necessary for a PHA to resume normal operations and not to exceed December 31, 2022.

Additionally, if requesting a waiver of Regulation 24 CFR § 982.503(b) Voucher Tenancy: New Payment Standard Amount, a PHA must certify that it meets one of the following good cause reasons (explained in further detail in Notice PIH 2021-34): (1) The PHA’s jurisdiction is in a Fair Market Rent (FMR) area identified by HUD to have significant rental market fluctuations, where an increase in the PHA’s payment standards up to 120 percent of the FMR may help the PHA more quickly respond to local circumstances (a list of these FMR areas is attached to Notice 2021-34); (2) Utilization Rate is lower than 98 percent for the current year-to-date or more than a 5 percent reduction between years 2019 and 2021; or (3) less than 85 percent of the PHA’s vouchers issued in the last six months have leased. If your PHA adopts this waiver, please notify PIH_Expedited_Waivers@hud.gov if it elects to change its payment standards back to the basic range between 90 and 110 percent based on the FY 2022 FMR.

After reviewing the waiver request(s) and considering DHA’s stated justification(s) of good cause, HUD: (1) finds there is good cause to waive, and hereby waives, the regulations and/or requirements marked “APPROVED” in the “Waiver Status” column and/or (2) finds there is not good cause to waive, and therefore does not waive, the regulations and/or requirements marked “NOT APPROVED” in the “Waiver Status” column.

List of expedited regulatory waivers

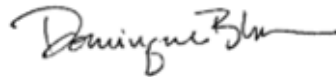
Waiver Requested	Waiver Status/Term Expiration	Waiver Name	Regulation	Summary of relief from HUD Requirements
Yes	APPROVED: Expiration 12/31/2022	Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term	24 CFR § 982.505(c)(4)	PHAs have the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination.
		SEMAP Score	24 CFR § 985.105 24 CFR § 985.101	PHAs with a fiscal year end 3/31/22, 6/30/22, or 9/30/22, may request to waive the application of SEMAP in its entirety, only if the PHA has a SEMAP indicator affected directly or indirectly because of the disruption to PHA operations caused by its adoption of available CARES Act waivers.

Waiver Requested	Waiver Status/Term Expiration	Waiver Name	Regulation	Summary of relief from HUD Requirements
Yes	APPROVED: Expiration 12/31/2022	Term of Voucher: Extensions of Term	24 CFR § 982.303(b)(1)	Allows PHAs to grant a family one or more extensions of the initial voucher term regardless of the policy described in the Administrative Plan. PHAs should ensure consistency with these requests and remain in compliance with the PHA's informally adopted interim standard.
		Homeownership: Max. Term of Assistance	24 CFR § 982.634(a)	Allows a PHA to extend homeownership assistance for up to one additional year.
Yes	APPROVED: Expiration 12/31/2022	Voucher Tenancy: New Payment Standard Amount	24 CFR § 982.503(b)	PHAs may request an expedited waiver to allow for establishment of payment standards from 111 to 120 percent of the FMR.

All waiver approvals are set to expire at the end of the term requested or December 31, 2022, whichever is earliest, unless an alternative limit is provided by HUD. If any provision of these waivers or their application to any HUD requirement is made invalid by PHA omission or is no longer needed due to changing circumstances, HUD reserves the right to revoke all or a portion of these waivers at any time.

Should you have any questions, please contact the Waiver Processing Team at PIH_Expedited_Waivers@hud.gov.

Sincerely,



Dominique Blom
General Deputy Assistant Secretary