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CITY OF SANTA ANA
SANTA ANA HOUSING AUTHORITY
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April 16, 2020

**COVID-19 WAIVERS AND ALTERNATIVE REQUIREMENTS
FOR THE HOUSING CHOICE VOUCHER PROGRAM**

Pursuant to the authority provided under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136), the Housing Authority of the City of Santa Ana (CA093) (SAHA) is waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Housing Choice Voucher (HCV) program.

BACKGROUND

An outbreak of a respiratory disease caused by a novel (new) coronavirus has as of this date been detected in over 200 countries world-wide, including in the United States. The virus has been named “severe acute respiratory syndrome coronavirus 2” (SARS-CoV-2) and the disease it causes has been named “Coronavirus Disease 2019” (“COVID-19”). On January 31, 2020, Secretary of Health and Human Services Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.

The Federal Government is working closely with state, local, Tribal, and territorial partners, as well as public health partners, to respond to this public health threat. While various parts of the country are experiencing different levels of COVID-19 activity all 50 states have reported cases of COVID-19 to the Centers for Disease Control and Prevention (CDC).

The COVID-19 pandemic presents significant challenges for SAHA to continue to carry out our fundamental mission to provide decent, safe, and sanitary affordable housing for low-income families. Program operations have been severely impacted as we all comply with critically important advisories and directives from County and State public health professionals, including social distancing and other preventive practices that will slow the spread of COVID-19 and reduce the risk of exposure.

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On March 27, 2020, President Trump signed the CARES Act into law, which authorizes over \$2 trillion in emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic, and emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic. The CARES Act further provides HUD with broad authority, in the context of the current public health emergency, to waive statutes and regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for SAHA's HCV program. Through issuance of this notice, SAHA is exercising this authority to adjust program practices where necessary to prioritize mission critical functions when normal operations are restricted and severely constrained, further prevent the spread of COVID-19, and mitigate the health risks posed by COVID-19 to SAHA staff, families, landlords, and our community at large.

CONTINUED OPERATIONS DURING THE COVID-19 NATIONAL EMERGENCY

The waivers implemented through this notice provide administrative relief and allow for alternative approaches to various aspects of SAHA's operations. With this flexibility, SAHA will continue using available funding to house families, keep families in their homes, and conduct critical operations that can be done remotely and safely. Some critical functions of SAHA includes, but are not limited to issuing vouchers so families can find housing, processing Requests for Tenancy Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, and completing reexaminations for participants who have experienced a decrease in income. It is important to note that, for the HCV programs, HUD has not provided waiver authority that would allow tenants to stop paying their portion of the rent as determined by SAHA.

WAIVER AND ALTERNATIVE REQUIREMENT AUTHORITY

These waivers and alternative requirements are established under the authority of the CARES Act as well as Secretary Carson's finding that these waivers and alternative requirements are necessary for the safe and effective administration of the HCV Program, consistent with the purposes described under the CARES Act, to prevent, prepare for, and respond to COVID-19. The Secretary and SAHA may waive and/or establish alternative requirements for additional statutory and regulatory provisions in addition to these waivers by subsequent notice.

WAIVER AND ALTERNATIVE REQUIREMENT APPLICABILITY

The waiver/alternative requirements are applicable to the HCV program, including special purpose vouchers such as Mainstream vouchers, Foster Youth to Independence vouchers, and HUD-VASH vouchers. The use of these waivers is at the discretion of SAHA. A summary of the available waivers/alternative requirements is included as an attachment to this notice.

WAIVERS ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SANTA ANA (CA093)

1. Family Income and Composition – Annual Reexaminations:

- a. SAHA is waiving the requirements to use the income verification hierarchy required by HUD for annual reexaminations. Specifically, SAHA will accept self-certification when 3rd party income verification for annual reexaminations is not available. This may occur over the telephone (but must be documented by SAHA with a contemporaneous written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. However, SAHA will continue to use the Enterprise Income Verification System for verification of family income for all annuals. Annual reexaminations are not required to be held in-person. SAHA will follow-up with third party income verification following the annual reexamination and will complete an interim based on the information verified through that verification.
- b. This waiver will be available through July 31, 2020.

2. Family Income and Composition – Interim Reexaminations:

- a. SAHA is waiving the requirements to use the income verification hierarchy required by HUD for interim reexaminations. Specifically, SAHA will accept self-certification when 3rd party income verification for interim reexaminations is not available. This may occur over the telephone (but must be documented by SAHA with a contemporaneous written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. SAHA will continue to use the Enterprise Income Verification System for verification of family income for all interims. SAHA will follow-up with third party income verification following the interim and will complete an interim based on the information verified through that verification.
- b. This waiver will be available through July 31, 2020.

3. Family Self-Sufficiency (FSS) Contract of Participation - Contract Extension:

- a. SAHA will consider the circumstances surrounding COVID-19 to qualify as “good cause” to extend a family’s contract of participation in the FSS program through December 31, 2020.

4. Initial Inspection Requirements:

- a. For occupied/lease-in-place units, SAHA will accept owner and tenant’s self-certification that to the best of their knowledge there is no life-threatening conditions exist in the unit instead of conducting a physical inspection. The owner will need to conduct an initial inspection for occupied/lease-in-place units as part of their self-certification with the tenant.
- b. For vacant units – SAHA will conduct a physical inspection.
- c. SAHA is required to conduct an HQS inspection on the units as soon as reasonably possible, but no later than October 31, 2020.
- d. SAHA may accept a self-certification until July 31, 2020.

5. Biennial Inspections:

- a. SAHA is waiving the requirement that we must inspect the unit not less than biennially (once every two years). All delayed biennial inspections must be completed as soon as reasonably possible, but no later than October 31, 2020.

6. Interim Inspections:

- a. This waiver states that if an HQS reported deficiency is life-threatening, SAHA must notify the owner of the reported life-threatening deficiency and the owner must correct it within 24 hours of SAHA's notification or provide documentation that the deficiency does not exist. SAHA is not required to conduct an onsite re-inspection to verify repairs made, but instead will rely on alternative verification methods i.e. photos, repair receipts, video recording, tenant and owner self-certification, etc. For non-life-threatening deficiencies, SAHA must notify the owner within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of SAHA's notification. SAHA is not required to conduct an on-site inspection to verify the repairs have been made, but may rely on alternative verification methods (photos, tenant and owner self-certification, etc.).
- b. This waiver is available until July 31, 2020.

7. Project-Based Voucher (PBV) Turnover Unit Inspections:

- a. SAHA is waiving the regulation that requires a project-based voucher unit inspection before the unit is leased to a new family. For occupied/ lease-in-place units, SAHA will accept owner and tenant's self-certification that to the best of their knowledge there is no life-threatening conditions exist in the unit instead of conducting a physical inspection. The owner will need to conduct an initial inspection for occupied/lease-in-place units as part of their self-certification with the tenant.
- b. For vacant units – SAHA will conduct a physical inspection.
- c. SAHA will add other requirements or conditions to the owner's certification. SAHA is required to conduct an HQS inspection on the units as soon as reasonably possible, but no later than October 31, 2020.
- d. This waiver may be used until July 31, 2020 and units with delayed inspections must be inspected by October 31, 2020.

8. HQS Quality Control Inspections:

- a. SAHA is waiving its supervisory quality control inspections until October 31, 2020 and SAHA will resume supervisory quality control inspections when SAHA is able to begin conducting biennial inspections again.

9. HQS Space and Security

- a. SAHA is waiving the regulation requiring one bedroom for every two people where SAHA wishes to assist a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency. This waiver does not apply to an initial or new lease.

- b. The waiver will be in effect for the duration of the current lease term or one year from the date of this notice, whichever period of time is longer.

10. Information When Family Is Selected – SAHA Oral Briefing:

- a. SAHA is waiving the requirement that SAHA must give an oral briefing to families in the HCV and PBV programs. SAHA will instead conduct the briefing by other means such as a conference call or expanded information packet. SAHA will ensure that the method of communication for the briefing effectively communicates with each family member, including those with vision, hearing, and other communication-related disabilities and those with persons with limited English proficiency.
- b. This waiver ends on July 31, 2020.

11. Term of Voucher – Extensions of Term:

- a. SAHA is waiving the requirement the voucher term extensions must be in accordance with SAHA's administrative plan. Any active voucher searching may be extended until 7/31/2020. This waiver is available until July 31, 2020.

12. Absence from the Unit:

- a. SAHA is waiving the requirement that a voucher family may not be absent from a unit for a period of more than 90 consecutive calendar days. SAHA has discretion whether to continue the HAP contract in this situation and not terminate due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, or caring for family members).
- b. A family may be absent from the unit up to December 31, 2020. The period of availability to continue making these HAP payments despite the family's absence of more than 90 consecutive days ends on December 31, 2020. SAHA may not make payments after this date if the family is absent and the HAP contract will terminate.

13. Automatic Termination of HAP Contract:

- a. SAHA is waiving the requirement to terminate a HAP contract 180 days after a housing assistance payment is reduced to \$0. This is in recognition that the COVID-19 emergency may cause the temporary addition of household members which causes the calculation of HAP to reach \$0. As an alternative requirement, SAHA, following a 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. All current HAP contracts where a housing assistance payment is \$0 as of 4/16/2020 will be extended to 12/31/2020.
- b. The period of availability for the extension ends December 31, 2020. SAHA will not extend the HAP contract beyond December 31, 2020.

14. Foster Youth to Independence Eligibility to Enter HAP Contract

- a. SAHA is waiving the requirement that Foster Youth to Independence (FYI) youth must be not more than 24 years of age (not yet reached their 25th

birthday) and is replacing it with the requirement that FYI youth be not more than 25 years of age (not yet reached their 26th birthday).

- b. This waiver ends on December 31, 2020.