

COVID-19 Waiver Summary and Suggested Documentation (CoC and ESG)

The following chart summarizes the wavers and outlines suggested documentation grantees should maintain when implementing the waivers outlined in the CPD COVID-19 Memorandum dated March 31, 2020. Recipients are strongly encouraged to establish a set of emergency policies and procedures that outline the waivers they are utilizing and explain the records they will maintain to support them. Additionally, recipients should note the individual use of waivers in affected client files.

No.	HUD Requirement (Key Citations in Bold)	Waiver Applicability	Other Provisions	Suggested Recipient Documentation	Suggested Client Level Documentation	Notes
Continuum of Care						
1	Fair Market Rent for Individual Units and Leasing Costs - Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR). 24 CFR 578.49(b)(2)	For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing	The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2)	1) Documentation that FMR limits are impeding grantee’s ability to find units for clients as a result of COVID-19; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) A copy of the lease clearly displaying the date of execution; 2) A note to file noting the date of the COVID-19 Memorandum and its application to the client’s lease; 3) A completed rent reasonableness analysis.	Lease in file dated between March 31 and September 30, 2020. Caution: Waiver applies to the full period of the lease, beyond Sept. 30, 2020 but does not apply to annual renewal of lease in 2021.
2	Disability Documentation for Permanent Supportive Housing - A recipient providing PSH must document a qualifying disability of one of the household members. When documentation of disability is the intake worker’s observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days. 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)	For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the requirement to have third party documentation of disability that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program	For the purposes of individuals and families housed in PSH from the date of this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5)	1) Documentation of COVID-19 related constraints preventing collection of disability documentation such as shelter-in-place orders or office closures; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) Copies of certifications; 2) A note in the files of affected clients outlining application of the waiver and compliance with the timeframe.	Case Worker or Intake staff observation note & Certification form (Outreach worker information to support when applicable) Self- Certification Dated: March 31 – September 30, 2020 (Note: Certification continues past Waiver period.)

No.	HUD Requirement (Key Citations in Bold)	Waiver Applicability	Other Provisions	Suggested Recipient Documentation	Suggested Client Level Documentation	Notes
3	<p>Limit on Eligible Housing Search and Counseling Services - With respect to program participant's debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.</p>	<p>For the 1-year period beginning on the date of the waiver memorandum (3/31/2020), the limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of program participant's rent arrears, when those arrears make it difficult to obtain housing</p>	<p>Only applies when those arrears make it difficult to obtain housing</p>	<p>1) Emergency recordkeeping policies and procedures outlining how grantee will define "difficulty obtain[ing] housing"; 2) Copy of waiver notification sent to HUD</p>	<p>1) Documentation demonstrating the client's inability to obtain housing as a direct result of rent and utility arrears.</p>	<p>Applies only to housing search / placement. (Pay arrears in order to access housing)</p> <p>Document utility or rental arrears (bill/ notice)</p> <p>Dated March 31, 2020 – March 30, 2021</p>
4	<p>Permanent Housing-Rapid Rehousing Monthly Case Management - Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly. 24 CFR 578.37(a)(1)(ii)(F)</p>	<p>For 2-month period beginning on the date of the waiver memorandum (3/31/2020), the requirement in 24 CFR 578.37(a)(1)(ii)(F) that requires program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects</p>		<p>1) Documentation of limited staff capacity, shelter-in-place order, or similar COVID-19 related impediment; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures</p>	<p>1) A note in the files of affected clients outlining application of the waiver.</p>	<p>Case note: Unable to provide case management.</p> <p>Applies only for the period March 31, - May 31, 2020.</p>

No.	HUD Requirement (Key Citations in Bold)	Waiver Applicability	Other Provisions	Suggested Recipient Documentation	Suggested Client Level Documentation	Notes
5	<p>Housing Quality Standards (HQS) – Initial Physical Inspection of Unit - Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.</p>	<p>For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), this waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect.</p>	<p>Recipients and subrecipients must meet both the following criteria:</p> <ul style="list-style-type: none"> • The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before assistance is provided; and • The recipient or subrecipient has written policies to physically reinspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary. 	<p>1) Emergency recordkeeping policies and procedures that outline the reinspection process; 2) Copy of waiver notification sent to HUD.</p>	<p>1) A completed HQS inspection form noting the method of observation, date, and a reference to the waiver; 2) By the 3-month deadline, a completed on-site inspection.</p>	<p>(Overall agency policy referenced. Copy not required in file.)</p> <p>Link to video, photos or worker written verification of inspection with date. (Inspection video / photo can be provided by landlord). OR Note of prior inspection and overall agency policy to re-inspect.</p>
6	<p>HQS – Re-Inspection of Units - Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS. 24 CFR 578.75(b)(2)</p>	<p>For the 1-year period beginning on the date of the waiver memorandum (3/31/2020), this requirement in 24 CFR 578(b)(2) is waived.</p>		<p>1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures.</p>	<p>1) A note in the files of affected clients.</p>	<p>Housing placement within March 31, 2020 – March 30, 2021</p>
7	<p>One-Year Lease Requirement, Definition of Permanent Housing - Program participants residing in PSH and RRH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause. 24 CFR 578.3, definition of permanent housing, 24 CFR 578.5(1)(1)</p>	<p>For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the one-year lease requirement is waived</p>	<p>The initial lease term of all leases must be for more than one month</p>	<p>1) Documentation outlining constraints related to 1-year lease requirement; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures.</p>	<p>1) A notation in the files of affected clients along with a copy of the lease indicating the term.</p>	<p>Case note and copy of lease Signed between March 31 – Sept 30, 2020</p>

No.	HUD Requirement (Key Citations in Bold)	Waiver Applicability	Other Provisions	Suggested Recipient Documentation	Suggested Client Level Documentation	Notes
Emergency Solutions Grant						
11	Re-Evaluations for Homelessness Prevention Assistance - Homelessness prevention assistance is subject to reevaluation of each program participant's eligibility need for assistance not less than once every 3 months. 24 CFR 576.401(b)	For up to the 2-year period beginning on the date of the waiver memorandum (3/31/2020), the required frequency of re-evaluations for homelessness prevention assistance under section 576.401(b) is waived	The recipient or subrecipient must conduct the required re-evaluations not less than once every 6 months	1) Documentation demonstrating need to keep participant housed during COVID19 pandemic; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) A note in the files of affected clients; 2) Documentation demonstrating compliance with the 6-month requirement.	
12	Housing Stability Case Management - Program participants receiving homelessness prevention or rapid rehousing assistance must meet with a case manager not less than once per month, unless certain statutory prohibitions apply. 24 CFR 576.401(e)	For the 2-month period beginning on the date of the waiver memorandum (3/31/2020), this waiver is in effect.		1) Documentation of limited staff capacity, shelter-in-place order, or similar COVID-19 related impediment; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures.	1) A note in the files of affected clients.	
13	Restriction of Rental Assistance to Units At or Below FMR - Under 24 CFR 576.106(d)(1) , rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.	For the 6-month period beginning on the date of the waiver memorandum (3/31/2020), the FMR restriction is waived for any individual or family receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit	The ESG recipient or subrecipient must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard	1) Documentation that FMR limits are impeding grantee's ability to find units for clients as a result of COVID-19; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) A copy of the lease clearly displaying the date of execution; 2) A note to file noting the date of this memo and its application to the client's lease; and 3) A completed rent reasonableness analysis.	