

FORT STOCKTON HOUSING AUTHORITY
RESOLUTION #TX500-R78

REVIEW AND APPROVE:
HCV WAIVERS & ALTERNATIVE REQUIREMENTS (PIH NOTICE 2020-5)

Date: 5/21/2020

SEE ATTACHMENT-CHART SUMMARIZES WAIVERS THAT WERE ADOPTED FOR HOUSING AUTHORITY

CIRCLE ONE

AYES NAYS

Mr. (s) Patty Morales

AYES NAYS

Mr. (s) Silvano Fuentes

AYES NAYS

Mr. (s) Harry Gandhe

AYES NAYS

Mr. (s) Letricia Slater

AYES NAYS

Mr. (s) Rita Zapata

- The Chairman thereupon declared the motion carried and the Resolution adopted on 5/21/2020.
- The Chairman thereupon declared the motion denied on _____.
- The Chairman thereupon declared the motion tabled on _____.

Patty Morales
Chairman of Board

[Signature]
Secretary-Executive Director

Fort Stockton
Housing
Authority



FORT STOCKTON HOUSING AUTHORITY

Attachment: Summary of Public Housing and HCV Waivers and Alternative Requirements (Refer back to the Notice using the item code for a full description and more detailed information.)

This chart summarizes the waivers authorized under this notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
PH and HCV-1 PHA 5-Year and Annual Plan	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h) <u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21	<ul style="list-style-type: none"> Alternative dates for submission Changes to significant amendment process 	<ul style="list-style-type: none"> Varies based on FYE 7/31/20 	yes	5/21/2020
PH and HCV-2 Family income and composition – delayed annual reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)	<ul style="list-style-type: none"> Permits the PHA to delay the annual reexamination of income and family composition HCV PHAs must implement HCV-7 for impacted families if they implement this waiver 	<ul style="list-style-type: none"> 12/31/20 		
PH and HCV-3 Annual	<u>Regulatory Authority</u> § 5.233(a)(2)	<ul style="list-style-type: none"> Waives the requirements to use the income 	<ul style="list-style-type: none"> 7/31/20 		

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reexamination Income Verification	<u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<p>hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</p> <ul style="list-style-type: none"> • PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later 			
PH and HCV-4 Interim reexaminations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d) <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> • Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	<ul style="list-style-type: none"> • 7/31/20 		
PH and HCV-5 EIV System Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u>	<ul style="list-style-type: none"> • Waives the mandatory EIV monitoring requirements. 	<ul style="list-style-type: none"> • 7/31/20 		

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PH and HCV-6 FSS Contract of Participation	PIH Notice 2018-18 <u>Regulatory Authority § 984.303(d)</u>	<ul style="list-style-type: none"> Provides for extensions to FSS contract of participation 	<ul style="list-style-type: none"> 12/31/20 		
PH and HCV-7 Waiting List	<u>Regulatory Authority § 982.206(a)(2)</u> PIH Notice 2012-34	<ul style="list-style-type: none"> Waives public notice requirements for opening and closing waiting list Requires alternative process 	<ul style="list-style-type: none"> 7/31/20 		
HQS-1 Initial inspection	<u>Statutory Authority Section 8(o)(8)(A)(i), Section 8(o)(8)(C)</u> <u>Regulatory Authority § 982.305(a), 982.305(b), 982.405</u>	<ul style="list-style-type: none"> Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 		
HQS-2: <u>PBV Pre-HAP Contract Inspections, PHA acceptance of completed units</u>	<u>Statutory Authority: Section 8(o)(8)(A)</u> <u>Regulatory Authority: §§ 983.301(b), 983.156(a)(1)</u>	<ul style="list-style-type: none"> Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 		

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HQS-3 Non-Life Threatening IIQS - Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Allows for extension of up to 30 days for owner repairs of non-life threatening conditions 	<ul style="list-style-type: none"> 7/31/20 		
HQS-4 Initial HQS - Alternative Inspections	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii) <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than October 31, 2020. 	<ul style="list-style-type: none"> 7/31/20 10/31/20 		
HQS-5 Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> Allows for delay in biennial inspections All delayed biennial inspections must be completed as soon as reasonably possible but 	<ul style="list-style-type: none"> 10/31/20 		

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HQS-6 Interim Inspections	<p>by no later than October 31, 2020.</p> <p>Statutory Authority Section 8(o)(8)(F)</p> <p>Regulatory Authority §§ 982.405(g), § 983.103(e)</p>	<ul style="list-style-type: none"> • Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods 	<ul style="list-style-type: none"> • 7/31/20 		
HQS-7 PBV Turnover Inspections	<p>Regulatory Authority § 983.103(c)</p>	<ul style="list-style-type: none"> • Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 		
HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units	<p>Statutory Authority Section 8(o)(8)(A)</p> <p>Regulatory Authority §§ 983.207(a), 983.207(b)</p>	<ul style="list-style-type: none"> • Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection 	<ul style="list-style-type: none"> • 7/31/20 • 10/31/20 		

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HQS-9 HQS QC Inspections	<u>Regulatory Authority</u> § 982.405(b)	<ul style="list-style-type: none"> Provides for a suspension of the requirement for QC sampling inspections 	<ul style="list-style-type: none"> 10/31/20 		
HQS-10 HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. 	<ul style="list-style-type: none"> Remains in effect one year from lease term or date of notice, whichever is longer 		
HQS-11 Homeownership HQS	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments Requires family to obtain independent professional inspection 	<ul style="list-style-type: none"> 7/31/20 		
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	<ul style="list-style-type: none"> Waives the requirement to adopt revisions to the admin plan 	<ul style="list-style-type: none"> 7/31/20 	yes	5/21/2020
HCV-2 PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	<ul style="list-style-type: none"> Waives the requirement for an oral briefing Provides for alternative methods to conduct required voucher briefing 	<ul style="list-style-type: none"> 7/31/20 		

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HCV-3 Term of Voucher - Extensions of Term	<u>Regulatory Authority § 982.303(b)(1)</u>	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	<ul style="list-style-type: none"> 7/31/20 		
HCV-4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority § 982.305(c)</u>	<ul style="list-style-type: none"> Provides for HAP payments for contracts not executed within 60 days PHA must not pay HAP to owner until HAP contract is executed 	<ul style="list-style-type: none"> 7/31/20 		
HCV-5 Absence from unit	<u>Regulatory Authority § 982.312</u>	<ul style="list-style-type: none"> Allows for PHA discretion on absences from units longer than 180 days PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days 	<ul style="list-style-type: none"> 12/31/20 		
IICV-6 Automatic Termination of the HAP Contract	<u>Regulatory Authority § 982.455</u>	<ul style="list-style-type: none"> Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. 	<ul style="list-style-type: none"> 12/31/20 		

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HCV-7 Increase in Payment Standard	<u>Regulatory Authority § 982.505(c)(4)</u>	<ul style="list-style-type: none"> Provides PHAs with 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 to do so. 	<ul style="list-style-type: none"> 12/31/20 	Yes	5/20/2020
HCV-8 Utility Allowance Schedule	<u>Regulatory Authority § 982.517</u>	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 		
HCV-9 Homeownership Counseling	<u>Statutory Authority Section 8(y)(1)(D)</u> <u>Regulatory Authority § 982.630, 982.636(d)</u>	<ul style="list-style-type: none"> Waives the requirement for the family to obtain pre-assistance counseling 	<ul style="list-style-type: none"> 7/31/20 		
HCV-10 FUP	<u>Statutory Authority Section 8(x)(2)</u>	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up 	<ul style="list-style-type: none"> 12/31/20 		
PH-1 Fiscal closeout of Capital Grant Funds	<u>Regulatory Authority § 905.322(b)</u>	<ul style="list-style-type: none"> Extension of deadlines for ADCC and AMCC 	Varies by PHA		
PH-2 Total	<u>Regulatory Authority § 905.314(c)</u>	<ul style="list-style-type: none"> Waives the TDC and HCC limits permitting 	Applies to development		

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Development Costs		approval of amounts in excess of published TDC by 25% to 50% on a case by case basis	proposals submitted to HUD no later than December 31, 2021		
PH-3 Cost limitations	<u>Regulatory Authority § 905.314(j)</u>	<ul style="list-style-type: none"> Allows for the use of force account labor for modernization activities in certain circumstances 	<ul style="list-style-type: none"> 12/31/20 		
PH-4 ACOP	<u>Regulatory Authority § 960.202(c)(1)</u>	<ul style="list-style-type: none"> Changes to approval process for ACOP 	<ul style="list-style-type: none"> 7/31/20 		
PH-5 CSSR	<u>Statutory Authority Section 12(c)</u> <u>Regulatory Authority § 960.603(a) and 960.603(b)</u>	<ul style="list-style-type: none"> Temporarily suspends CSSR 	<ul style="list-style-type: none"> 3/31/21 		
PH-6 Energy Audits	<u>Regulatory Authority § 965.302</u>	<ul style="list-style-type: none"> Allows for delay in due dates of energy audits 	One year beyond 2020 audit deadline		
PH-7 Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490	<ul style="list-style-type: none"> Changes to timeframes for determination of over-income 	<ul style="list-style-type: none"> 12/31/20 		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	Notice: Notice PIH 2019-11				
PH-8 Resident Council Elections	<u>Regulatory Authority § 964.130(a)(1)</u>	<ul style="list-style-type: none"> Provides for delay in resident council elections 	<ul style="list-style-type: none"> 7/31/20 		
PH-9 Utility Allowance	<u>Regulatory Authority § 965.507</u>	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/20 		
PH-10 Tenant notifications	<u>Regulatory Authority § 966.5</u>	<ul style="list-style-type: none"> Advance notice not required except for policies related to tenant charges 	<ul style="list-style-type: none"> 7/31/20 		
11a PHAS	<u>Regulatory Authority 24 CFR Part 902</u>	<ul style="list-style-type: none"> Allows for alternatives related to inspections PIA to retain prior year PHAS score unless requests otherwise 	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11b SEMAP	<u>Regulatory Authority 24 CFR Part 985</u>	<ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise 	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11c Financial reporting	<u>Regulatory Authority §§ 5.801(c), 5.801(d)(1)</u>	<ul style="list-style-type: none"> Allows for extensions of financial reporting deadlines 	Varies by PHA FYE		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
12a Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	<ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action 	<ul style="list-style-type: none"> • 12/31/20 		
12b Designated housing plan	<u>Statutory Authority</u> Section 7(e)(1)	<ul style="list-style-type: none"> • Allows for HUD to delay notification about designated housing plan 	<ul style="list-style-type: none"> • 7/31/20 	N/A	N/A
12c Deadline for reporting and Operating and Capital Fund expenditures	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	<ul style="list-style-type: none"> • Provides a one-year extension 	One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc		

Attachment: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

COVID-19 Statutory and Regulatory Waivers for ONAP programs								
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary						
13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements	Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218; 1000.220; 1000.224; 1000.226; 1000.228; 1000.230; and 1000.232	<p>1) <i>Abbreviated IHP to Receive IHBG-CARES Grant Funding:</i> Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.</p> <p>2) <i>Recipients that did Not Submit an IHP in FY2020:</i> A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.</p> <p>3) <i>IHP Certifications:</i> IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.</p> <p>4) <i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.</p>						
13b. IHP Submission Deadline for Annual IHBG Formula Grants	Statutory Authority: Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225	<table border="1"> <thead> <tr> <th>Org. IHP Due Date</th> <th>Extension</th> </tr> </thead> <tbody> <tr> <td>1/17/2020</td> <td>10/16/2020</td> </tr> <tr> <td>4/17/2020</td> <td>10/16/2020</td> </tr> </tbody> </table> <p>IHP Submission Deadlines Extended</p>	Org. IHP Due Date	Extension	1/17/2020	10/16/2020	4/17/2020	10/16/2020
Org. IHP Due Date	Extension							
1/17/2020	10/16/2020							
4/17/2020	10/16/2020							
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	<table border="1"> <thead> <tr> <th>Org. APR Due Date</th> <th>Extension</th> </tr> </thead> <tbody> <tr> <td>3/30/2020</td> <td>6/28/2020</td> </tr> <tr> <td>6/29/2020</td> <td>9/27/2020</td> </tr> </tbody> </table> <p>APR Submission Deadlines Extended</p>	Org. APR Due Date	Extension	3/30/2020	6/28/2020	6/29/2020	9/27/2020
Org. APR Due Date	Extension							
3/30/2020	6/28/2020							
6/29/2020	9/27/2020							

13d. Income Verification	Regulatory Authority: 24 CFR § 1000.128	IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email.
13e. Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-CARES funding to carry out a wide range of public health services.
13f. COVID-19-related Assistance to Non-Low Income and Non-Native Families	Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, 1000.318	Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status.
13g. Useful Life	Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147	If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life.
13h. Total Development Cost (TDC) Limits	Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162	Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.
13i. Prohibition Against Investment of CARES Act Grant Funds	Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58	Recipients are prohibited from investing any IHBG funding provided under the CARES Act.
14a. Citizen Participation	Statutory Authority: Section 104 of the Housing and	

	Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604	Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. .
14b. Application Process for ICDBG-CARES Grants and Funding Criteria Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY19/20 ICDBG Notice of Funding Availability (NOFA)		<p>1) <i>Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed.</p> <p>2) <i>Grant Ceilings:</i> Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future.</p> <p>3) <i>Reimbursement of Costs and Letter to Proceed:</i> ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP.</p> <p>4) <i>Availability of Funds:</i> If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs.</p>
14c. Removal of Public Services 15% Cap under FY 2020 ICDBG Grants	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA	HUD is eliminating the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act.
14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)	ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.

<p>14e. Purchase of Equipment</p>	<p>Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii)</p>	<p>Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the COVID-19.</p>
<p>14f. Operating Expenses for Public Facilities</p>	<p>Regulatory Authority: 24 CFR § 1003.207(b)(2)</p>	<p>Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.</p>
<p>14g. New Housing Construction by Tribes</p>	<p>Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)</p>	<p>ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.</p>