

# Emergency Housing Vouchers: Making the Most of EHV Waivers

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# Webinar Logistics

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# Welcome and Introductions

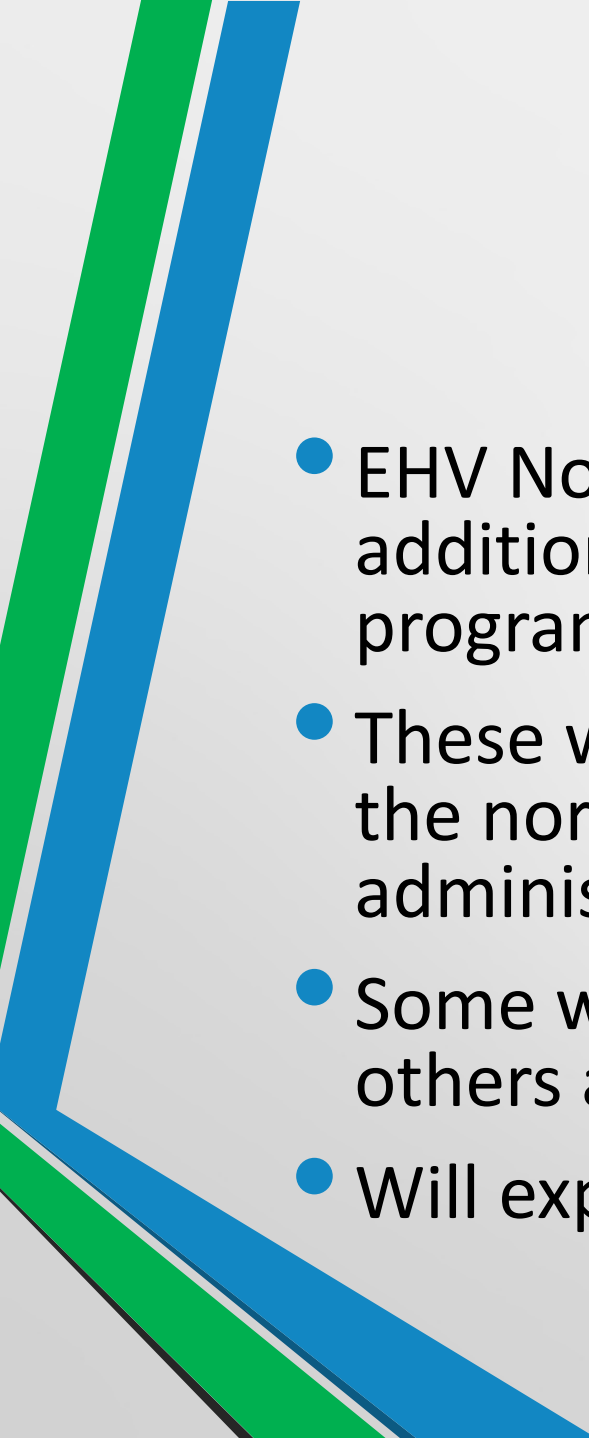
- Welcome
- Introduce Technical Assistance Providers
  - Technical Assistance Collaborative (TAC)
  - Corporation for Supportive Housing (CSH)
- Today's Presenters & Panelists
  - Nicole LiBaire, TAC
  - Liz Stewart, TAC
  - Blake Rosser, Housing Choice Voucher Program Manager, Orange County Housing and Community Development

# Overview of EHV Training Series

Date/Time	TA Topic
May 11 3-4pm EDT	EHV Program Overview
May 12 2:30pm - 4pm EDT	EHVs for CoCs
May 13 3pm - 4:30pm EDT	Partnerships for EHV
May 18 3pm – 4:30pm EDT	Strategy for Targeting EHV and Related Resources
May 20 3pm – 4:30pm EDT	Pairing Services and EHV
May 25 3pm – 4:30pm EDT	Coordinated Entry and EHV
<b>June 1</b> <b>3pm – 4:30pm EDT</b>	<b>Making the Most of EHV Waivers</b>

# Today's Agenda

- Overview of EHV Waivers & Alternative Requirements
- Requirements of using the waiver/alternate requirements
- Orange County Housing Authority: Utilizing COVID-19 Waivers within CE
- Q+A with HUD



# Overview of Waivers & Alternative Requirements

- EHV Notice allows use of COVID-19 Waivers and also outlines additional waivers/alternative requirements applicable to program
- These waivers or alternative requirements are exceptions to the normal HCV requirements, which otherwise apply to the administration of the EHV's
- Some waiver/alternative requirements are mandatory while others are optional
- Will expedite and facilitate the use of the EHV funding

# Summary of Waivers & Alternative Requirements

**The following waivers and alternative requirements are available in the administration of EHV-**

- Covid-19 Waivers (Pg. 20-21)
- Separate waiting list for EHV referrals/applicants (Pg. 25)
- Local Preferences established by the PHA for HCV admissions do not apply to EHV (Pg. 25)
- Restrictions on PHA denial of assistance to an EHV applicant (Pgs. 25-28)
- Income Verifications at admission (Pg. 29)
- Eligibility Determination: Social Security Number and Citizenship Verification (Pg. 30)

# Summary of Waivers & Alternative Requirements

**The following waivers and alternative requirements are available in the administration of EHV's (cont.)-**

- Inapplicability of Income Targeting Requirements (Pg. 31)
- Use of recently conducted initial income determinations and verification at admissions (Pg. 31)
- Pre-inspection of HQS units (Pg. 32)
- Initial Search Term (Pg. 32)
- Initial Lease Term (Pg. 32)
- Portability (Pg. 32, 34-35)
- Payment Standard Amount (Pg. 35)



# Equity in the EHV waivers and alternative requirements

- People of color disproportionately experience higher rates of homelessness, housing insecurity, incarceration and health inequities
- The waivers allow for increased access to assistance by requiring a direct referral process and eliminating residency preferences
- The waivers provide more time for people to find housing, reduce documentation barriers, leasing barriers, and criminal history barriers
- The full use of the waivers and alternative requirements will aid in centering equity in your EHV program and help you create a more equitable program

# COVID-19 waivers

- Waivers authorized for the regular HCV program under the CARES Act apply to EHV Vouchers
- Attachment 1 of the notice
- Notice PIH 2021-14
- [https://www.hud.gov/sites/dfiles/PIH/documents/pha2021-14\\_caresact\\_waiver\\_webinar.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/pha2021-14_caresact_waiver_webinar.pdf)



# Poll – Did your PHA utilize COVID-19 waivers in your HCV Program?

- All of them
- Some of them
- None of them



# Requirements of using the waiver/alternate requirements

# Separate waiting list for EHV's referrals/applicants

- Overview of waiver to § 982.204(f) that a PHA must use a single waiting list for admission to the HCV program
  - PHA shall maintain a separate list for EHV referrals/applicants
  - Expedites the leasing process
  - Applies to initial leasing and for any turnover vouchers issued prior to September 30, 2023

# Separate waiting list for EHV referrals/applicants

- Also waiving § 982.206 the requirement to give public notice when opening and closing the EHV waiting list
  - PHA will work with the CoC/VSP to manage the number of referrals and the size of the EHV waiting list
- PHAs must inform families on the HCV waiting list of the availability of EHV
  - At minimum, must post the information to website or providing public notice in respective communities.
  - Notice must describe the eligible populations to which the EHV are limited and clearly state that the availability of these EHV is managed through a direct referral process

# Local Preferences

Waiver to § 982.207(a) that a PHA may establish a system of local preferences for the selection of families

- PHA's existing local preferences do not apply to EHV's
- Can create separate local preferences for EHV's in coordination with the CoC/VSP partners
- May choose not to create any local preferences

# Local Preferences

- Any established local preference may not prohibit EHV admissions from any of the four qualifying categories of eligibility
- HUD strongly encourages PHAs and their partners to consider the impact of COVID-19 to the subgroups of families eligible for EHV
  - Living in environments where people are not able to practice social distancing, practice good hygiene



# Local Preferences

- Also waiving § 982.207(b) – allows PHAs to create residency preferences
  - PHAs may not apply residency requirements to EHV applicants
  - Individuals and families in the targeted populations may not be able to qualify as a resident due to their housing/lack of housing circumstances

# Restrictions on PHA denial of assistance

- Overview of waiver to § 982.552 and § 982.553 – when a PHA may deny an applicant admission to the program and when the PHA is required to do so
- Waiver requirements/follow up
  - Mandatory prohibitions
  - Permissive prohibitions
  - Unallowable prohibitions

# Mandatory Prohibitions

- Any household member convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing
- Any household member subject to a lifetime registration requirement under a State sex offender registration program

# Permissive Prohibitions

Any household member that is currently engaged in, or has engaged in within the previous 12 months:

- Violent criminal activity
- Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
- If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

# Additional Resources

- PIH Notice 2015-19 – arrest records may not be the basis of denying admission or terminating assistance, HUD does not require “One Strike” policies, PHAs are obligated to safeguard their due process rights of applicants and tenants
- See Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016), available at [https://www.hud.gov/sites/documents/HUD\\_OGCGUIDAPPFHASTANDCR.PDF](https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF)

# Unallowable Prohibitions

PHAs may not deny an EHV applicant admission for any of the following reasons:

- Any member of the family has been evicted from federally assisted housing in the last five years
- A PHA has ever terminated assistance under the program for any member of the family
- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease

# Unallowable Prohibitions (cont'd)

PHAs may not deny an EHV applicant admission for any of the following reasons:

- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with § 982.553(a)(3)
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before admission, drug-related criminal activity

# Prohibitions- Additional Requirements

- Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession should be considered apart from the criminal activity against persons (i.e., violent criminal activity)
- PHAs must still deny assistance to the program if any member of the family fails to submit consent forms for obtaining information in accordance with 24 CFR Part 5 (consent forms regarding disclosure of SSN and verification of income)
  - However PHAs should notify the families of the limited EHV grounds for denial of admission first
- The regulations at § 982.551(h)(2) apply when adding household members
  - Other than birth, adoption or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular screening criteria in doing so



# Income verifications at admission

Waiver to § 982.201(e) that requires that the PHA must receive information verifying that an applicant is eligible within the 60-day period before the PHA issues a voucher to the applicant.

- Allows PHAs to consider self-certification as the highest form of income verification at admission
- Applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request
  - SSI benefit letter issued in November 2020 to verify 2021 income provided to the PHA in September 2021 is an acceptable form of income verification

# Income verifications at admission

- PHAs must continue to use EIV to search for all household members using the Existing Tenant Search
- PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information
- Adoption of this waiver does not authorize any ineligible family to receive assistance under this program
  - If a PHA later determines that an ineligible family received assistance, the PHA must terminate the family

# Inapplicability of income targeting requirements

- HUD is waiving the income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2)
  - The requirements are waived and do not apply to EHV
  - PHAs may still choose to include the admission of extremely low income families in its targeting numbers for the fiscal year in which families are admitted
  - Just like the normal HCV program rules PHAs may not deny admission to families with no income and must consider hardship circumstances before charging a minimum rent

# Use of recently conducted initial income determinations and verification at admissions

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- Income was calculated according to the rules in 24 CFR Part 5 within the last six months
- The family certifies there has been no change in income or family composition in the interim
- At annual recertification the PHA must conduct the annual re-exam of income as outlined at 24 CFR § 982.516



# Use of recently conducted initial income determinations and verification at admissions

- PHAs must review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the PIC-NG submission date
- PHAs must print and maintain copies of the EIV Income and IVT reports in the tenant files
- PHAs must resolve any income discrepancy with the family within 60 days of the EIV income or IVT Report dates

# Eligibility determination: social security number and citizenship verification

- HUD is waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program
- Accepting self-certifications and delaying the receipt of documentation and/or third-party verification will allow PHAs to assist EHV families more quickly and give families time to obtain the necessary documentation

# Eligibility determination: social security number and citizenship verification

- PHAs are encouraged to incorporate additional procedures to remind families of the obligation to provide true and complete information
- Adoption of this waiver does not authorize any ineligible family to receive assistance under this program
  - If a PHA later determines that an ineligible family received assistance, the PHA must terminate the family

# Eligibility determination: social security number and citizenship verification

- SSN and citizenship status must be obtained within 180 days of admission
  - PHAs can provide extensions based on evidence from the family or CoC/VSP/partnering agency that good faith efforts are being made to obtain the information
- PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available
  - Must obtain a higher level of verification within 90 days if self-certification is used at admission or verify the information in EIV



# Pre-inspection of HQS units

PHAs may pre-inspect units that EHV families may want to lease in order to maintain a pool of eligible units

- If an EHV family selects a unit that passed a HQS inspection within 45 days of the date of the Request for Tenant Approval as long as all of the following conditions are met
  - The lease includes the tenancy addendum
  - The rent to the owner is reasonable
  - When the gross rent exceeds the applicable payment standard for the family, the family share does not exceed 40% of the family's monthly adjusted income
  - The unit was not occupied in between the inspection and EHV family occupancy

# Initial Search Term

HUD is waiving § 982.203(a) which states that the initial search term must be at least 60 days

- The initial search term for an EHV must be at least 120 days
- Any extensions, suspensions, and progress report will remain under the PHA's administrative plan but will not apply until after the minimum 120-day initial search term
- Reminder – PHAs must grant reasonable accommodation requests to extend the search term that may be necessary for individuals with disabilities to find a unit that meets their disability-related needs

# Initial Lease Term

- HUD is waiving the requirement that the initial lease term must be for at least one year
- The initial lease term for an EHV family may be less than 12 months

# Portability

HUD is waiving section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c) that state the initial PHA may choose to allow portability during this period but is not required to do so for non-resident applicants

- PHAs may not restrict an EHV family from using portability because they are a non-resident applicant

# Payment standard amount

HUD is waiving § 982.503(a)(3) that requires PHAs to establish a single payment standard amount for each unit size, and that for each unit size, the PHA may establish a single payment standard amount for the whole Fair Market Rent area, or may establish a separate payment standard amount for each designated part of the Fair Market Rent area

- HUD is also waiving § 982.503(b)(1)(i) that allows PHAs to set payment standard amounts for each unit size at any level between 90-110% of the FMR
- HUD is also waiving § 982.503(b)(1)(iii) that allows PHAs not in a designated Small Area FMR or has not opted to voluntarily implement Small Area FMRs may establish exception payment standards up to 110% of the HUD published Small Area FMR for that zip code

# Payment standard amount

- PHAs may establish separate higher payment standards for the EHV's to increase the pool of available units
- PHAs are not required to establish a separate higher payment standard
- PHAs cannot establish a payment standard that is lower than its HCV payment standard
- If the PHA increases the regular HCV payment standard the PHA must also include the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard

# Payment standard amount

- PHAs may establish payment standard amounts for each unit size at any level between 90-120% of the FMR
  - HUD approval is not required in this range
- PHAs may establish exception payment standards up to 120% of that HUD published Small Area FMR for the zip code area
- PHAs may also still request approval for exception EHV payment standards above 120% of the applicable FMR/SAFMR if needed
- All rent reasonableness requirements continue to apply to EHV's



# Poll – What waivers/alternative requirements will your EHV program use

- All of them
- Only the required ones
- Some of the optional ones
- Still deciding



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**Blake Rosser, Housing Choice Voucher Program  
Manager, Orange County Housing and Community  
Development Department**

# COVID Waivers Most Used by NC104

These waivers (last updated in PIH 2021-14) allowed OCHA to overcome hurdles in accepting referrals via Coordinated Entry and serving people exp. homelessness in HCV.

<p><b>HQS-3</b> Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option</p>	<p><u>Statutory Authority</u> Section 8(o)(8)(A)(ii)</p> <p><u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017</p>	<ul style="list-style-type: none"> <li>Allows for extension of up to 30 days for owner repairs of non-life threatening conditions</li> </ul>
<p><b>HCV-1 Administrative Plan</b></p>	<p><u>Regulatory Authority</u> § 982.54(a)</p>	<ul style="list-style-type: none"> <li>Establishes an alternative requirement that policies may be adopted without board approval until 6/30/21</li> <li>Any provisions adopted informally must be adopted formally by 12/31/21</li> </ul>
<p><b>HCV-2</b> Information When Family is Selected: PHA Oral Briefing</p>	<p><u>Regulatory Authority</u> §§ 982.301(a)(1), 983.252(a)</p>	<ul style="list-style-type: none"> <li>Waives the requirement for an oral briefing</li> <li>Provides for alternative methods to conduct required voucher briefing</li> </ul>
<p><b>HCV-3</b> Term of Voucher: Extensions of Term</p>	<p><u>Regulatory Authority</u> § 982.303(b)(1)</p>	<ul style="list-style-type: none"> <li>Allows PHAs to provide voucher extensions regardless of current PHA policy</li> </ul>

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# COVID Waivers Most Used by NC104

These waivers (last updated in PIH 2021-14) allowed OCHA to overcome hurdles in accepting referrals via Coordinated Entry and serving people exp. homelessness in HCV.

<p><b>PH and HCV-3 Family Income and Composition: Annual Examination; Income Verification Requirements*</b></p> <p><i>*New waiver released with EHV guidelines (PIH 2021-15) allows for self-certification at Admission as well.</i></p>	<p><u>Regulatory Authority</u> §§ 5.233(a)(2), 960.259(c), 982.516(a)</p> <p><u>Sub-regulatory Guidance</u> Notice PIH 2018-18</p>	<ul style="list-style-type: none"> <li>• Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</li> <li>• PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later</li> </ul>
<p><b>HCV Eligibility Determination: Social Security Card and Citizenship Verification**</b></p> <p><i>** New waiver released with EHV guidelines (PIH 2021-15)</i></p>	<p><u>Regulatory Authority</u> 24 CFR § 5.403 24 CFR § 5.514</p>	<ul style="list-style-type: none"> <li>• Waives requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admission to EHV program</li> <li>• Individuals must provide required documentation within 180 days of admission, (PHA may provide extensions based on evidence from the family or confirmation from the CoC or other partnering agency)</li> <li>• PHAs may accept self-certification of date of birth and disability status (PHA must obtain a higher level of verification within 90 days)</li> </ul>

# Biggest Hurdles Not Covered by Waivers

Some challenges with issuing vouchers in this manner are not addressed by waivers, but were solved with creative use of supplemental funding awarded in 2020.

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- **Lack of security deposits, application fees, 1<sup>st</sup> month rent**
  - Local Emergency Housing Assistance program (will utilize \$3,500 EHV service fee moving forward)
    - CARES, CDBG-CV, and local funding
- **Failures in tenant screening due to no/low income/voucher**
  - Housing Access Coordinator
  - Landlord Incentive Program
    - \$1000 for landlords new to the HCV Program
    - \$500 for past HCV landlords leasing to new HCV participants
    - \$200 for renewing current HCV tenants
- **Challenging tenant barriers**
  - Street Outreach, Harm Reduction and Diversion Team (SOHRAD) (ESG-CV)
  - Housing Stability Case Manager (ESG-CV)



# HUD Q+A

# Reminders

- MOU deadline is July 31, 2021
- Submit your questions to [ehv@hud.gov](mailto:ehv@hud.gov)
- Office hours are every Wednesday @ 2pm ET
- This webinar recording and presentation materials will be posted to <https://www.hud.gov/ehv>



**Thank you!**