

Frequently Asked Questions | [PIH Notice 2022-30](#)

Published: November 9, 2022

Question 1: Our PHA did not previously receive a payment standard waiver under PIH Notices 2021-34, 2022-04, or 2022-09; can we still apply for the waivers in PIH Notice 2022-30?

Answer 1: Yes. A PHA that did not previously apply for payment standard waivers under notices 2021-34, 2022-04 and/or 2022-09 may still apply for a new waiver under PIH Notice 2022-30. Please follow the instructions in sections 4, 5, and 6 to apply for the streamlined regulatory waiver(s).

Question 2: Our PHA is interested in these waivers; however, we are concerned about a potentially negative effect on families if, in FY 2024, we need to lower the payment standards. What can we do to protect families in the case of a lower payment standard?

Answer 2: In the case of a payment standard decrease, PHAs have the flexibility to hold families harmless or phase in the decrease. Under program regulations at 24 CFR 982.505(c)(3), PHAs have the following three options:

- *Hold harmless with no reduction in subsidy.* A PHA may continue to use the existing higher payment standard for the family's subsidy calculation for as long as the family continues to receive the voucher assistance in that unit.
- *Gradual reduction in subsidy.* A PHA may gradually reduce the payment standard amount used to calculate the family's subsidy, phasing in the reduction.
- *Second regular reexamination.* A PHA may continue to use the lower payment standard to calculate the family's HAP beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard.

Question 3: The Section 8 Management Assessment Program (SEMAP) form HUD-52648 seems to indicate payment standards must be between 90 and 110% of the Fair Market Rent (FMR). Will a PHA be penalized on SEMAP if they are approved for and implement the up to 120% waiver?

Answer 3: No. Program regulations covering SEMAP at 24 CFR 985.3(i)(1) allow for the PHA to receive full SEMAP points if they have a HUD-approved payment standard higher or lower than the basic range.

Question 4: Our PHA is interested in going up to 120% of the FMR, but we are concerned we do not have enough Housing Assistance Payment (HAP) to support this. How can we determine if our HAP funds are adequate to support a higher payment standard?

Answer 4: HUD provides a couple of tools to assist with these types of questions [here](#). The Two-Year Tool assists PHAs in projecting costs and determining how to maximize utilization in their program. The Payment Standard Tool estimates the potential per unit cost change because of a payment standard

change. This, combined with the Two-Year Tool, allows a PHA to assess the financial viability of a potential payment standard change.

Question 5: Our PHA was approved for a waiver of up to 120% of the FMR under PIH Notice 2021-34. Does the PHA have to apply for a new waiver to go up to 120% of the FY 2023 FMRs?

Answer 5: Yes. PIH Notices 2021-34, 2022-04, or 2022-09 only applied to FY 2022 FMRs. A PHA that wants to go up to 120% of the FY 2023 must apply for either an extension or a new streamlined regulatory waiver under PIH Notice 2022-30.

Question 6: Can my PHA use the "Voucher Tenancy: New Payment Standard Amount" waiver with Small Area Fair Market Rents (SAFMRs)?

Answer 6: Yes. However, you cannot apply payment standards between 111% and 120% to the SAFMRs unless you have first followed the SAFMR process described in [PIH Notice 2018-01](#). If you have questions, please email safmrs@hud.gov. This applies to waivers of 24 CFR 982.503 (b)(1)(ii) and b(1)(iii).

Question 7: Does this waiver change the existing authority that PHAs have to establish different payment standards for different bedroom sizes or FMR areas in their jurisdiction, in accordance with applicable program regulations?

Answer 7: No, it does not change any existing flexibilities under program regulations PHAs have to establish different payment standards for different bedroom sizes or different payment standards for different FMR areas (or designated parts of an FMR area) in their jurisdiction.