



PIH

OFFICE OF PUBLIC & INDIAN HOUSING

# Updates:

PIH Notice 2021-14,  
COVID-19 Statutory and Regulatory Waivers  
and Alternative Requirements, Revision 3

May 7, 2021



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# Agenda

**New Waivers, Alternative Requirements & Clarifications**

**Program Assessments**

**Inspections**



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## **The Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law on March 27, 2020.**

- Provides broad waiver authority and flexibilities to allow PIH and our partners to continue the mission of providing decent, safe, and affordable housing.
- Initially implemented through PIH Notice 2020-05 published on April 10, 2020, and revised through PIH Notices 2020-13 published on July 2, 2020, and 2020-33 published November 30, 2020.

# PIH Notice 2021-14

## **This third revision:**

- Restates all waivers and alternative requirements previously established in prior Notices, including waivers that have expired or will expire on June 30, 2021.
- Extends the availability periods of most waivers until December 31, 2021.
- Adds 4 new waivers and alternative requirements, including mandatory suspension of the Public Housing Community Service and Self-Sufficiency Requirement.
- Clarifies the scope of two waivers and alternative requirements under the IHBG/IHBG-CARES program.



## Quick Reminders—

- The use of most waivers is at the discretion of the PHA.
- PHAs may choose to apply all, some or none of the waivers with exception of the mandatory CSSR waiver.
- If a waiver is adopted and has an alternative requirement, it should be read carefully as some alternative requirements are written simply as a “floor” while others are mandatory.
- PHAs **must** post publicly or otherwise make available to the public a list of all waivers and alternative requirements the PHA chooses to apply in addition to notifying affected residents and owners of the impact of applicable waivers and alternative requirements.



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# Period of Availability Extensions in PIH Notice 2021-14

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Extends the period of availability to **December 31, 2021**, for most Public Housing and HCV waivers and alternative requirements that previously ended on June 30, 2021.

→ The availability period for CARES Act supplemental funding and use of FY20 appropriations to prevent, prepare for and respond to COVID ends December 31, 2021.

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Continues to carry forward **PHAS and SEMAP scores** for PHAs with a FYE on or before December 31, 2021. → These are NOT considered advisory scores.

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Extends both the obligation and expenditure end dates for all **Capital Fund grants** that were open on April 10, 2020, by an additional 6 months for 24 total months from the end dates in LOCCS in effect on April 10, 2020.

→ For new Capital Fund grants opened between April 11, 2020, and December 31, 2020, extends obligation and expenditure end dates by 24 months from the end dates in LOCCS as of 12/31/2020.

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Extends the period of availability to informally adopt changes to the **PHA Administrative Plan or ACOP** to September 30, 2021, with formal adoption by December 31, 2021.

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# PIH Notice 2021-14

As a quick reference, the chart in the Attachment to the Notice provides an updated list of all waivers and availability periods:

[https://www.hud.gov/sites/dfiles/PIH/documents/PIH2021-14\\_attachment.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/PIH2021-14_attachment.pdf)



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# New Waivers Provided in PIH Notice 2021-14

## PH and HCV-8: Eligibility Determination: Income Verification

### Waiver Summary

**Period of Availability: ends December 31, 2021**

### References

Regulatory Authority:  
24 CFR § 960.259(c) – Public Housing and 24 CFR § 982.201(e) – HCV

Sub-regulatory Guidance:  
Notice PIH 2018-18

- Waives the third-party income verification requirements for applicants and, alternatively, will allow PHAs to consider self-certification as the highest form of income verification at admission.
- Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination.
- Applicants may provide third-party documentation representing 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.
- The PHA must review the EIV Income Report and the IVT Reports to confirm/validate family-reported income within 90 days of IMS/PIC submission.
- If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.



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# New Waivers Provided in PIH Notice 2021-14

## PH and HCV-9: Eligibility Determination: Social Security Number and Citizenship Verification

<b>Waiver Summary</b> <b>Period of Availability: ends December 31, 2021</b>	<b>References</b>
<ul style="list-style-type: none"><li>• Waives the requirements to obtain and verify social security number documentation and documentation evidencing eligible noncitizen status before admitting applicants to the HCV and Public Housing programs.</li><li>• PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available.</li><li>• As an alternative requirement, individuals admitted under this waiver must provide the required documentation within 90 days of admission to be eligible for continued assistance.</li><li>• The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.</li></ul>	<p><u>Statutory Authority:</u> 42 USC 1436a(d)(2)</p> <p><u>Regulatory Authority:</u> 24 CFR §§ 5.216(b)(2), (g), (h), 5.218, 5.508(b)(2)(ii), (b)(3)(ii), (g)</p> <p><u>Sub-regulatory Guidance:</u> Notice PIH 2012-10</p>



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# New Waivers Provided in PIH Notice 2021-14

## 12.e.: Community Service and Self-Sufficiency Requirement (CSSR) Suspension

Waiver Summary Period of Availability: May 4, 2021 through April 30, 2022	References
<ul style="list-style-type: none"><li>• Waives the requirement that each non-exempt adult resident of public housing contribute 8 hours per month of community service and/or participation in an economic self-sufficiency program.</li><li>• At the family's annual reexamination that becomes effective during the availability period, PHAs will report on Form HUD-50058 each individual's CSSR status as pending (code "3").</li><li>• PHAs may not enter into new or enforce prior written "work-out" agreements with tenants to cure noncompliance and failure to meet the CSSR may not be considered as grounds for non-renewal of a tenant's lease.</li><li>• <b>This waiver is non-discretionary and applies to all PHAs operating a public housing program.</b></li><li>• This waiver supersedes PH-5 and is applicable regardless of whether a PHA previously adopted PH-5.</li></ul>	<p><u>Statutory Authority:</u> Section 12(c) of the USHA of 1937</p> <p><u>Regulatory Authority:</u> 24 CFR §§ 960.603(a), 960.603(b), 960.605(b)(3), 960.607, and 966.4(l)(2)(iii)(D)</p>



# New Waivers Provided in PIH Notice 2021-14

## HCV-15: Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units

### Waiver Summary

**Period of Availability: ends December 31, 2021**

### References

- Waives the requirement that a family may not initially occupy a PBV or RAD PBV unit that has more bedrooms than what the family qualifies for under PHA subsidy standards, so that a homeless family on the waiting list (or a homeless family referred as part of the HUD-VASH program, if applicable) may initially lease an under-occupied PBV or RAD PBV unit.
- Also waives the statutory prohibition on providing a PBV-assisted unit of 2 or more bedrooms to a single person, for a single person that doesn't qualify under any of the statutory exceptions (such as an elderly or disabled person), so that the PHA may allow any homeless single person family to rent a unit of 2 or more bedrooms.
- To implement the waiver, the PHA must have no families on the waiting list, after outreach and marketing, that qualify for the PBV or RAD PBV unit.
- The family will become subject to § 983.260 no later than the end of the lease term following the expiration of this waiver.

Statutory Authority:  
42 U.S.C. § 1437a(b)(3)(A)

Regulatory Authority:  
24 CFR §§ 983.253(b),  
983.260



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# New Waivers Provided in PIH Notice 2021-14

## HCV-15: Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units

Waiver Summary	References
<ul style="list-style-type: none"><li>• Under the waiver, the PHA may also allow a family currently occupying an under-occupied PBV unit (or a RAD PBV unit that the family leased after conversion), including a single person who is occupying a unit with 2 or more bedrooms, to remain in the unit.</li><li>• This also applies to an eligible family whose current under-occupied unit has been subject to a conversion action and placed under a PBV HAP contract, in accordance with PBV program requirements, with no intervening demolition or resident relocation, so that the family may continue to lease the same unit.</li><li>• The family will become subject to § 983.260 no later than the end of the lease term following the expiration of this waiver.</li></ul>	<p><u>Statutory Authority:</u> 42 U.S.C. § 1437a(b)(3)(A)</p> <p><u>Regulatory Authority:</u> 24 CFR §§ 983.253(b), 983.260</p>



# New Waivers Provided in PIH Notice 2021-14

## HCV-15: Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units

Waiver Summary	References
<ul style="list-style-type: none"> <li>Also waives sub-regulatory guidance that would require a family residing in an under-occupied unit at the time of RAD conversion, or a family that uses an Enhanced Voucher (EV) to remain in its under-occupied unit, to move from the unit when an appropriately-sized unit becomes available in the project.</li> <li>Under this waiver, the PHA may allow such families to remain in the under-occupied unit until the end of the lease term following the expiration of this waiver, at which time the family will become subject to the relevant notice and must move to an appropriately-sized unit in the project when one becomes available.</li> </ul>	<p><u>Statutory Authority:</u> 42 U.S.C. § 1437a(b)(3)(A)</p> <p><u>Regulatory Authority:</u> 24 CFR §§ 983.253(b), 983.260</p> <p><u>Sub-regulatory Guidance:</u> Notice H 2019-9/PIH 2019-23, Notice PIH 2016-02</p>



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**PIH Notice 2021-14**

**HCV AND PUBLIC HOUSING  
PROGRAM ASSESSMENTS AND INSPECTIONS**



## PIH Notice 2021-14

### ➤ Extension of CARES Act Waiver

HUD will carry forward the most recent PHAS score on record for any PHAs with a fiscal year end on or before December 31, 2021.

### ➤ New & Pending Scores

HUD **will not** issue a new PHAS score for any PHA with a fiscal year ending on or before December 31, 2021, unless the PHA requests a that new PHAS score be issued.

### ➤ Enforcement

HUD will continue using all information available to identify and address critical deficiencies not reflected in a PHA's program(s) that may have a negative impact on resident health and safety and other programmatic deficiencies not reflected in the most recent PHAS score carried forward.



# SEMAP PIH Notice 2021-14

## ➤ Extension of CARES Act waiver

HUD will carry forward Section Eight Management Assessment Program (SEMAP) scores on record for all PHAs with fiscal years ending on or before December 31, 2021

## ➤ SEMAP Submissions

Waives the requirement for PHAs to submit an annual SEMAP certification in IMS-PIC within 60 days of FYE.

## ➤ New & Pending Scores

HUD **will not** issue a new SEMAP score for any PHA with a fiscal year ending on or before December 31, 2021, unless the PHA requests a that new SEMAP score be issued.

## ➤ SEMAP Enforcement

- HUD will continue using all information available to identify and address critical deficiencies in a PHA's HCV program that may have a negative impact on resident health and safety.
- HUD field offices may continue to perform SEMAP Confirmatory Reviews remotely instead of on-site at the PHA through December 31, 2021.



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# HQS Inspection Extensions PIH Notice 2021-14

The timeframes for HQS inspections has been extended:

## Initial HQS Inspections:

- Reliance on owner certification to delay initial inspection or biennial inspection extended to December 31, 2021
- All delayed initial inspections must be completed as soon as reasonably possible but no later than June 30, 2022

## Biennial HQS Inspections:

- All delayed biennial inspections must be completed as soon as reasonably possible but not later than:
  - June 30, 2022 for all CY 2020 delayed inspections
  - December 31, 2022 for all CY 2021 delayed inspections

This update extends the timeframe for PHAs to complete the delayed biennial inspections to a more reasonable timeframe given the backlog of inspections. It also specifically prioritizes the units that have gone the longest without an inspection.



# Public Housing Inspections PIH Notice 2021-14

## Public Housing Inspection Options – Return to Operations – Three available Inspection Approaches

	PH NSPIRE Demonstration Properties	Formal Inspection Requests	High Priority Properties
Background	Deliver NSPIRE PH demonstration inspections for properties in the demo program	Deliver UPCS inspections for PH High Priority PH that have requested inspections	Deliver NSPIRE centric inspections to high-priority properties via Exam IV NSPIRE-V tool adapted for PH
Technology	NSPIRE demo technology	UPCS	NSPIRE-V Exam IV
Outputs	Health & safety report. Advisory score in the future.	Inspection report/score of record	Health & safety report
Value	Inspected via new NSPIRE standards. Eventually will have an advisory score	Score available. Enforcement tie in as report and score aligned with regulations.	Inspected via new NSPIRE standards. No score.



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# COVID-19 Resources

For the latest FAQs & other COVID-19 resources:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/covid\\_19\\_resources](https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources)

[https://www.hud.gov/coronavirus/native\\_americans](https://www.hud.gov/coronavirus/native_americans)



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## Questions?

Waiver FAQs

[PIH-covidwaivers@hud.gov](mailto:PIH-covidwaivers@hud.gov)

COVID FAQs

[PIH-COVID@hud.gov](mailto:PIH-COVID@hud.gov)

ONAP FAQs

[Codetalk@hud.gov](mailto:Codetalk@hud.gov)