

COVID-19-Related Frequently Asked Questions (FAQs) for Public Housing
Agencies (PHAs)



Office of Public and Indian Housing (PIH)

Version 7

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1.0 Key Resources

- [Continuation of the National Emergency Concerning the Coronavirus Disease 2019 \(COVID-19\) Pandemic \(New\)](#)
- [HUD COVID-19 \("Coronavirus"\) Information and Resources](#)
- [Centers for Disease Control and Prevention \(CDC\) Coronavirus \(COVID-19\)](#)
 - [Use of Cloth Face Coverings](#)
 - [COVID-19 Vaccination for Communities \(New\)](#)
 - [Guidance on Cleaning and Disinfection for Community Facilities](#)
 - [CDC and the Environmental Protection Agency \(EPA\) Guidance for Cleaning and Disinfecting](#)
 - [Fact Sheet on Facilities: Everyday Steps, Steps When Someone is Sick, and Considerations for Employers](#)
 - [Resources for Stress and Coping](#)
 - [COVID-19-Related Phone Scams and Phishing Attacks](#)
 - [People with Disabilities](#)
 - [Guidance for Direct Service Providers](#)
 - [Guidance for Group Homes for Individuals with Disabilities](#)
 - [Guidance for Direct Service Providers, Caregivers, Parents, and People with Developmental and Behavioral Disorders](#)
 - [People with Developmental and Behavioral Disorders](#)
- [Disaster Distress Helpline](#) – Substance Abuse and Mental Health Services (SAMHSA)
- [Families First Coronavirus Response Act](#)
- [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#)
- [Housing Provisions in the American Rescue Plan Act of 2021 \(New\)](#)
- [CDC's Ventilation in Buildings \(New\)](#)
- [EPA Guidance on Heating, Ventilation, and Air Conditioning \(HVAC\) and COVID-19](#)
 - [Guidance for Building and Maintenance Professionals](#)
- [PIH's COVID-19 Resources \(policy notices, FAQs, and outreach materials\)](#)

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed by the President on March 27, 2020, provided flexibilities and waiver authority for HUD to help Public Housing Agencies (PHAs) respond to the COVID-19 pandemic.

This version includes new questions and updates to answers originally posted on March 13, 2020, March 30, 2020, April 22, 2020, May 29 July 16 and September 29, 2020. Questions that are updated indicate the date of update. Question numbers may have changed from prior versions.

2.0 Emergency Preparedness (EP)

EP1. Whom can I contact with questions about emergency preparedness efforts for Public and Indian Housing (PIH)?

A. PIH has established a dedicated email address for questions from PHAs at PIH-COVID@hud.gov.

EP2. How should my PHA prepare for possible COVID-19 virus infections among our assisted families?

A. HUD recommends PHAs consider strategies to limit the spread of COVID-19 and the potential impacts that may occur if a resident contracts COVID-19. PHAs should follow their state or local quarantine directives. This information could be addressed in a pandemic emergency or continuing operations plan.

Some topics to consider in your plan include:

- Staff Management and Communication
 - Reviewing personnel policies and labor agreements
 - Determining essential and non-essential positions as well as remote work options
 - Communication with union(s)
 - Providing access to health care providers, Emergency Medical Services, and/or police
 - Guidance from CDC and Occupational Safety and Health Administration (OSHA) on worker protection and personal protective equipment (PPE)
- Resident Communication
 - Managing short- and long-term quarantines in a unit or a property
 - Working with resident groups
 - Providing access to health care providers and/or police if requested
 - Guidance from CDC and state, local health departments
 - Residents who are older adults, people with disabilities, limited-English proficiency (LEP) and those with chronic conditions, and any reasonable accommodations that may be requested
 - Encouraging residents to self-report illness or quarantines
 - Continued operations of supportive services programs, especially for older adults and people with disabilities while closed and/or teleworking
- Resident Safety and Security
 - Policies, procedures, and other measures to protect persons with an increased risk for COVID-19, including victims of domestic violence
 - Identifying local service providers (e.g., private grocery delivery)
 - Residents who are older adults, people with disabilities, LEP, and those with chronic conditions, and any reasonable accommodations they may need
 - Internet connectivity
- Modifying Regular Processes
 - Unit inspections
 - Rent Collection
 - Recertifications
 - Unit maintenance (if not performed by the owner)
 - Hardship policies
 - Public meetings
- Additional Considerations for PHA Boards of Commissioners
 - State, local, or tribal laws about public meetings
 - Changes to standard communication methods
 - Procurement policies and approvals

- New [waivers](#) available for PHA policies (e.g., Admissions and Continued Occupancy Policy (ACOP) and Housing Choice Voucher (HCV) Administrative Plan)

EP3. What types of jobs at the PHA are considered essential?

A. As part of emergency planning, all PHAs should review employees and their roles, and consider which functions are essential in case of state-mandated closures or a local shelter in place requirement. Your personnel policy or labor agreements may already do this. There is no HUD guidance on which employees should be considered essential by the PHA, but the Department of Homeland Security (DHS) has included the following as “[critical infrastructure workers during the COVID-19 response](#)” for Residential/Shelter Facilities (excerpted for those relevant to PIH programs):

- Workers providing dependent care services, particularly those whose services ensure essential workers can continue to work.
- Workers who support food, shelter, and social services, and other necessities of life for needy groups and individuals, including in-need populations, and COVID-19 responders including travelling medical staff.
- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.
- Workers performing housing and commercial construction related activities, including those supporting government functions related to the building and development process, such as inspections, permitting, and plan review services that can be modified to protect the public health, but fundamentally should continue and enable the continuity of the construction industry (e.g., allow qualified private third-party inspections in case of federal government shutdown).
- Workers performing services in support of the elderly and disabled populations who coordinate a variety of services, including health care appointments and activities of daily living.
- Workers responsible for the movement of household goods.

PHAs should also consult state guidance for additional restrictions. Generally, HUD encourages PHAs to do what is necessary to ensure the safety of the residents and security of the property and encourages remote work whenever possible.

EP4. Can I pay my maintenance employees extra hazard pay during the pandemic, since they may be at an increased risk of exposure to COVID-19 when entering units?

A. Hazard pay during a pandemic is allowable if the PHA complies with the specific requirements of 2 CFR 200.430 (Compensation-personal services), including the requirement that total compensation be reasonable for the services rendered. Compensation for employees engaged in work on Federal awards will be considered reasonable if it is consistent with the pay for similar work in other activities of the federal grantee. For example, if a PHA is providing hazard pay for similar work in unassisted properties, or through market research

determines that workers in unassisted properties performing similar work are receiving increased pay for their exposure to potential hazards, then hazard pay at a similar rate would be considered reasonable.

EP5. If my PHA is asked to do specialized cleaning of a unit or building, what guidance should I follow?

A. The following websites provide useful information for PHAs regarding specialized cleaning of units, as well as general helpful information:

- CDC’s main website: www.cdc.gov/coronavirus/2019-ncov;
- CDC’s guidance on cleaning for community areas: [Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#);
- CDC’s guidance for household cleaning: [Interim Recommendations for US Households with Suspected/Confirmed Coronavirus Disease 2019](#);
- CDC’s guidance covers recommended disinfectants and PPE. Additional information on disinfectants is also available at www.epa.gov/coronavirus;
- Guidance for workers and PPE is also at www.osha.gov/SLTC/covid-19/; and
- Your local or state health department may have additional guidance.

EP6. What are HUD’s procurement policies for PHAs to meet response needs during this time (e.g., specialized cleaning)?

A. Office of Management and Budget’s (OMB) regulations 2 CFR 200.317 to 2 CFR 200.326 (Procurement Standards) are the policies PHAs must follow. Section 200.320(f) permits a PHA to procure from a single source through noncompetitive proposals when one or more of the following circumstances apply: (1) An item is available only from a single source; (2) A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) HUD expressly authorizes noncompetitive proposals in response to a written request from a PHA; or (4) Competition is determined inadequate after solicitation of a number of sources. PHAs must maintain in their files, however, a rationale of the single source proposal and cost analysis (i.e., proposed cost data, cost projections, evaluation of specific elements of cost and profits). Labor costs are based on the going market rate at the time. Conflict of interest requirements continue to apply in this situation.

3.0 Eviction Moratorium (EM)

All FAQs on Section 4024 of the CARES Act have been removed from this publication. To see the original questions for the eviction moratorium under the CARES Act (March 27, 2020- July 24, 2020), see [Round 5 FAQs](#). Questions and additional information related to the eviction moratorium under the Centers for Disease Control and Prevention’s (CDC) Order that imposes a temporary halt in residential evictions for non-payment of rent to prevent the further spread of COVID-19 (September 4, 2020 – March 31, 2021) are posted at https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources#1.

4.0 Operational Concerns (OC)

4.1 General

OC1. Our PHA determined that given the extent of the outbreak in our area and the impact on our staff, we may have significant disruptions in regular services, including annual recertifications, submission of PHA Plans, and other required documents. Should I submit a waiver request? (Updated 3-24-21)

A. On March 27, 2020, the President signed the CARES Act, which provided new waiver authority described in [PIH Notice 2020-33, REV-2](#), which consolidated prior PIH Notices 2020-05 and 2020-13. With this flexibility, HUD strongly encourages PHAs to continue using available funding to house families, keep families in their homes, and conduct critical operations that can be done remotely and safely. Some critical functions for PHAs include issuing vouchers so families can find housing, processing Requests for Tenancy Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, ensuring occupancy of Public Housing units, processing minimum rent hardship exemptions, and completing reexaminations for participants who have experienced a decrease in income.

Through [the notice](#), the waivers and alternative requirements were effective immediately for those PHAs that elected to adopt them during the period of availability. There was, and remains to be no need to submit individual waiver requests to adopt the provisions included in [PIH Notice 2020-33, REV-2](#); however, PHAs are required to keep written documentation that record which waivers the PHA applied to their programs(s) and the effective dates. PHAs are encouraged to document waivers selected using the chart available at the end of the notice and posted on [PIH's COVID-19 resources page](#).

OC2. How should staff who regularly interact with residents and their homes perform their regular duties if there is a quarantine? Activities may include in-person rent collection and income certification.

A. PHAs should follow the guidance of their local and state health departments. PHAs should also plan now for alternative procedures for these processes, as they may become restricted during a quarantine or emergency orders. Options may include electronic transmission of funds, online teleconference calls, U.S. mail or secure collection boxes for payments. As part of planning, follow CDC guidance relative to the option selected and provide information on the option selected in a manner accessible to people with disabilities or with limited English proficiency. For more information, see CDC's guidance on personal protective equipment (PPE) and cleaning. As a reminder, HUD does not mandate in-person meetings for income certification or recertifications.

OC3. My PHA has limited staff in the office and it has been challenging to continue operations. What functions are critical?

A. As described in [PIH Notice 2020-33, REV-2](#), some critical functions may include but are not limited to issuing vouchers so families can find housing, processing Requests for Tenancy

Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, ensuring occupancy of Public Housing units, processing minimum rent hardship exemptions, completing reexaminations for participants who have experienced a decrease in income, and processing requested Violence Against Women Act (VAWA) emergency transfers, lease bifurcations, and family breakups.

OC4. Do we have discretion in deciding as to whether or not the employees continue to work? If no case of COVID-19 exists amongst the tenants, do we have to quarantine or do business as usual?

A. PHAs are encouraged to follow all state, local and federal guidance about social distancing and sheltering in place. PHAs have discretion on deciding whether employees continue to work as long as that decision is made in compliance with Federal, State and local laws and the PHA's employment personnel policy. See also DHS's [Guidance on the Essential Critical Infrastructure Workforce](#), Residential/Shelter Facilities and Services.

OC5. Does a PHA have immunity from liability if it followed all recommendations before reopening, but someone presumably nevertheless gets inadvertently infected from the PHA either by going into the PHA's office or by an employee going into a resident's unit?

A. PHAs should contact local counsel on issues of liability and immunity.

OC6. How do you conduct a HUD-required public meeting if the public may not be allowed to attend?

A. Public hearings are required for PHAs as part of the annual and Five-Year planning and revision processes. As provided in [PIH Notice 2020-33](#), HUD is using its statutory authorities under the CARES Act to waive the requirements for the 5-Year and Annual Plan submission dates as well as significant amendment requirements. Due to the potential postponement of public hearings due to limitations on large public gatherings, HUD waived requirements and provided alternative deadlines for some PHAs. More information is in Section 7 of the Notice.

OC7. When HUD staff are teleworking, what is the best way to communicate with HUD?

A. The best way to communicate with HUD is either by phone or via email as opposed to through the postal service or via an expedited delivery service. To the extent that an agency needs to transmit documents to HUD with signatures, the Department encourages PHAs to either sign the documents with legally binding digital signatures or to sign the documents, scan them, convert them to PDF, and email the PDF document. Digital signatures are not an option for amendments to the public housing Annual Contributions Contract.

OC8. Can waivers be retroactive to the date of a state's emergency declaration, or to the date that the President declared a national emergency? (Updated 3-24-21)

A. No, waivers for the Public Housing and Housing Choice Voucher Programs can only be effective as of April 10, 2020, the date of the first waiver notice [PIH Notice 2020-05](#), or the date of the first notice for that particular waiver, if added in subsequent revisions. See [PIH Notice 2020-33, REV-2](#) for updated waiver information since the first notice, 2020-05.

OC9. Can I ban visitors from my senior high-rise? Can I require visitors to wear at least cloth face coverings?

A. PHAs can restrict visitors from public housing properties and require that certain persons in common areas or the office wear cloth face coverings or their own masks. If a PHA plans to implement a reasonable visitor ban through amended PHA policies, HUD recommends it be done as part of a broader, publicly announced plan to respond to the COVID-19 National Emergency. PHAs should consider that residents will still need to receive essential services, such as food deliveries, medications, and direct service professionals (DSP) [e.g., personal care assistants (PCAs) or home health aides (HHAs)] responsible for caring for older adults and/or persons with disabilities. PHAs should also allow workers from the [US Census to complete their surveys](#). Restrictions should track with CDC guidance and recommendations from state or local health officials. Regarding cloth face coverings, follow [CDC guidance](#). Now that many cities and states have adopted mask policies, the policy should reference them. Once those policies are adopted, HUD regulations at 24 CFR 966.4(f)(4) requires tenants to abide by them as a condition of the lease. Under the HCV program, including PBVs, PHAs and owners should review the lease, state and local laws to determine the permissibility of banning visitors or requiring cloth face coverings in common areas.

OC10. My insurance provider is refusing to pay for expenses related to COVID-19. Is there anything HUD can do to assist?

A. Insurance is regulated by each state individually. If an insurance company is refusing to cover COVID related expenses, HUD recommends a PHA consult with its counsel about the terms of its policy or contact its state insurance regulatory agency or commission.

4.2 Waivers (General)

OC11. Residents want family members who are being released from congregate facilities—such as jails, prisons and homeless shelters— to be able to live with them. How can we use our discretion during this emergency? (Updated 3-24-21)

A. PHAs have discretion in establishing tenant screening criteria and can take into account relevant circumstances of applicants' situation. The only mandated requirements are the exclusions for certain criminal histories under 24 CFR 960.204, which have not been waived. If PHAs plan to update their screening policies, [PIH Notice 2020-33, REV-2](#) allows PHAs to make temporary changes to standard occupancy limits and alter their ACOP and Administrative Plans without prior board approval. This could include changes related to tenant screening criteria and guest policies. See waivers HQS-10 (Housing quality standards; space and security), HCV-1 (Administrative Plan), and PH-4 (ACOP: adoption of tenant selection policies).

OC12. If a PHA chooses to adopt waivers provided in [PIH Notice 2020-33, REV-2](#), what are the requirements for making the waivers available to the public?

A. The PHA is required to publicly post or otherwise make available to the public a list of waivers and alternative requirements by whatever means it considers most effective (e.g., posting to its website, posting in central and any satellite offices and properties) as soon as practicable

and in a manner accessible to people with disabilities or limited English proficiency. For example, if the PHA chooses to update its interim reexamination policy for their HCV program then the PHA would utilize HCV-1 to waive the requirement to adopt revisions to the Administrative Plan without Board approval. The PHA's website could indicate that waiver HCV-1 was adopted to allow the effective date of an interim reexamination effective the month immediately following the family request. The PHA's Administrative Plan should also be available to the public to reflect the updated policy by whatever means the PHA considers most effective.

OC13. [PIH Notice 2020-33, REV-2](#) provided an extension to PHAs for the annual update of the utility allowance schedule. When will PHAs be expected to have the updated utility allowance schedule in effect? (Updated 3-24-21)

A. For PHAs that choose to implement waivers PH-9 and/or HCV-8 provided in [PIH Notice 2020-33](#), if it is necessary for the PHA to update the utility allowance schedule, the review and update of utility allowances that were due at some point in time in CY 2020 must be completed on or before June 30, 2021, and any reexamination effective on or after that must use the updated schedule amounts. PHAs must update the utility allowance schedule when there is a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. See 24 CFR 965.507 and 24 CFR 982.517.

OC14. Is HUD entertaining waivers of environmental review requirements based on COVID-19?

A. The Office of Environment and Energy (OEE), a division of the Office of Community Planning and Development (CPD) at HUD, manages the environmental review process for HUD. OEE is considering responses and efficiencies related to COVID-19 and has released guidance on their [website](#).

[Federal Register FR-6115-N-02](#), effective February 27, 2020, provides administrative burden relief and exempts 1519 small and rural PHAs from environmental review for activities with a project cost of \$100,000 or less. The exemption applies to any section 9(d) Capital Fund, section 9(e) Operating Fund, or section 8(o)(13) PBV eligible work activity with a project cost of \$100,000 or less. Eligible PHAs may carry out exempt activities without a request for an environmental review or determination from a Responsible Entity or HUD. The eligible small and rural PHA list is published on hud.gov "[Section 209 Small Rural PHA List](#)."

4.3 Reexaminations and Verification

OC15. Can we switch to electronic signatures for leases, procurement documents, and forms? Do we need a third-party verification software for validation?

A. This answer depends on your state or agency's own policies. There are no requirements for third-party verification for these documents in the public housing or HCV regulations.

OC16. May a PHA make the effective date of an interim reexamination retroactive?

A. HUD encourages PHAs to make the effective date of an interim reexamination effective the month immediately following the family request. However, extenuating circumstances could be considered in the PHA's interim reexamination policy, such as the month following the date of the actual decrease in income if the decrease was not reported timely due to COVID-19 or a natural disaster (e.g., the PHA office was closed, social distancing, hospitalization, caring for a family member, uncertainty over the permanence of the loss of employment or reduction of working hours). Under the Housing Choice Voucher (HCV) program, the regulations provide that the PHA must adopt policies prescribing how to determine the effective date of a change in the housing assistance payment (HAP) resulting from an interim redetermination (24 CFR 982.516(e)). Under the public housing program, the PHA must adopt admission and occupancy policies concerning conduct of annual and interim reexaminations and must conduct reexaminations in accordance with such policies (24 CFR 960.257(d)). It is important to note that PHAs may utilize the waiver authority in [PIH Notice 2020-33, REV-2](#) to expedite changes to interim reexamination policies in the HCV Administrative Plan and Admissions and Continued Occupancy Plan (ACOP) to make the effective date of an interim reexamination retroactive.

For example, a PHA may adopt a policy that would make the effective date of an interim reexamination retroactive to the first of the month following the date of the actual decrease in income as opposed to the first of the month following the interim reexamination. The PHA may also choose to establish conditions or requirements for when such a retroactive application would apply. In applying a retroactive change in HAP in the HCV program as the result of an interim reexamination, the PHA must clearly communicate, in a manner accessible for people with disabilities or limited English proficiency, the impact of the retroactive adjustment to both the family and the owner so there is no confusion over the amount of the rent that is the family's responsibility.

HUD encourages PHAs to consider implementing interim reexamination policies that allow for retroactive adjustments in response to the COVID-19 pandemic. These policies may reduce the potential hardship on families and eliminate or significantly reduce the amount a family may owe for back rent if the family has had difficulty in making timely rent payments during the time between loss of income and the interim reexamination.

OC17. My annual reexaminations were due July 1, 2020. If we chose to extend the date to August 1, 2020, would our next reexamination date be August 1, 2021, (full year) or July 1, 2021? (Updated 3-24-21)

A. The waiver authority granted in [PIH Notice 2020-33, REV-2](#), PH and HCV-2 permits PHAs to delay annual reexaminations. When annual reexaminations are delayed (processed late), the effective date of the rent change may be modified to ensure the tenant is provided with proper notice of the change. The date of the next annual reexamination is up to the PHA, provided it is completed within 12 months of last reexam, so the next reexamination needs to be completed no later than August 1, 2021 in the scenario described.

OC18. It can be challenging for applicants to obtain copies of identifying documents such as social security numbers and birth certificates or IDs. Can we allow families to move in and verify these documents at a later date?

A. No, the waiver authority granted in [PIH Notice 2020-33, REV-2](#) does not apply to eligibility requirements for admission. All current eligibility requirements remain in place at this time, but HUD will take these suggestions under advisement for future consideration.

OC19. Does waiver PH and HCV-3 Family Income and Composition: Annual Examination Income Verification (EIV) requirements apply to initial certifications?

A: No, [PIH Notice 2020-33, REV-2](#) does not change the income verification hierarchy for new admissions to the program.

OC20. Can I accept a copy of a Social Security Card from an applicant at lease up?

A. Yes, the PHA can accept a copy of the Social Security card. [PIH Notice 2018-24](#) Section 7, states that a PHA may reject a copy of a document if it does not appear to be authentic. The notice does not say you must reject the document. The copy can be used for the initial leasing process, and the PHA can make any corrections or adjustments after the HUD form 50058 has been validated in IMS/PIC and made available to the PHA in the EIV system.

OC21. In completing our annual reexaminations, our full-time students are having difficulty obtaining verification of full-time student status from their schools due to the COVID-19 impacts on school operations. Will the hierarchy of income verification waiver cover verification of dependent/full-time student status?

A. Based on the income verification hierarchy, third-party verification must be obtained/documented for (i) reported family annual income; (ii) the value of assets; (iii) expenses related to deductions from annual income; and (iv) other factors that affect the determination of adjusted income (see [PIH Notice 2018-18](#)). Since full-time student status is a factor that affects the determination of adjusted income, waiver [PIH Notice 2020-33, REV-2](#), PH and HCV-3 would cover verification of full-time student status.

OC22. During the COVID-19 pandemic, will PHAs be held accountable for responding to the quarterly Enterprise Income Verification (EIV) discrepancy letters?

A. As established in [PIH Notice 2020-33, REV-2](#), HUD has suspended the issuance of the quarterly EIV discrepancy letters until June 30, 2021. The Department is monitoring the COVID-19 pandemic and will determine if additional extensions of time will be needed.

OC23. If EIV reporting is waived, why is there a need to download them?

A. PHAs are reminded that EIV data is overwritten; HUD encourages PHAs to download monthly or quarterly reports to preserve the data for a particular month or quarter.

OC24. What is the status of the Semi-Annual EIV Certifications of Users? Are there any updates that can be shared with PHAs?

A. The Semi-Annual Certification occurred between April 1 - April 29, 2020. If PHA staff were unable to certify users because of closures or limited staff, Field Office EIV Coordinators can assist with certifying users, providing there is a HUD-52676 on file. If you have questions about the certification process, please submit an email to EIV_help@hud.gov.

OC25. Does waiver PH and HCV-2 of PIH Notice 2020-05 (succeeded by [PIH Notice 2020-33, REV-2](#)) apply to all CY 2020 annual reexams which may be late in processing or only reexams with dates starting after the waiver implementation? (Updated 3-24-21)

A. Since many PHA offices have been closed or operations abbreviated, there may be instances where annual reexaminations have not been processed. PH and HCV-2 waiver authority allows PHAs to delay annual reexaminations of HCV and public housing families, several additional annual reexaminations may not be completed timely (based on regular annual schedules). Under PH and HCV-2, PHAs that choose this waiver authority were required to complete all annual recertifications due in Calendar Year (CY) 2020 by December 31, 2020. Reexaminations due between January 1, 2021 and June 30, 2021 need to be completed by June 30, 2021.

4.4 Repayment Agreements

OC26. How should a PHA set up a repayment agreement for a public housing resident who now has zero income? Also, can a PHA restructure an existing repayment agreement for residents that now have zero income?

A. If a resident has zero income but did not report the decrease of income in a timely manner due to COVID-19, HUD strongly encourages PHAs to consider extenuating circumstances in their interim reexamination policy to allow for retroactive adjustments. This PHA policy may reduce the potential hardship on families and eliminate or significantly reduce the amount a family may owe for back rent. See FAQ OC16 for further detail.

PHAs have discretion to establish local policies for repayment agreements (e.g., the term of the monthly payment amount and length of agreements), including instances where a resident's income may become zero. When setting the monthly repayment amount, PIH Notice 2018-18 recommends that the monthly retroactive rent payment plus the amount of rent the tenant pays at the time the agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income. Per this Notice, the PHA has discretion to establish a different threshold in their policy. For example, if a family's income decreased to zero income, the PHA would still execute a repayment agreement for both parties agreeing to the retroactive rent amount owed, but the PHA could (1) suspend the agreement for a set period of time, (2) schedule quarterly check-ins with the family to reevaluate circumstances, or (3) wait until the family reports an increase in income. The PHA could also execute a repayment agreement for an amount that does not exceed the PHA's minimum rent or an amount that is determined affordable to the family per the 24 CFR Part 5.

PHAs are reminded that the terms of the agreement may be renegotiated and the monthly payment amount for existing repayment agreements can be restructured if there are changes (decrease or increase) in the family's income.

OC27. [PIH Notice 2018-18](#) indicates, "if the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA must terminate the family's tenancy or assistance, or both." For a public housing resident,

can a PHA restructure an existing repayment agreement even if there are instances where the resident has not paid each of their monthly installments on time?

A. Upon further review by HUD, 24 CFR 966.4(l)(2) indicates that a PHA “may” rather than “must” terminate tenancy for serious or repeated violations of the lease, including failure to make payments due under the lease. However, the PHA currently only has this discretion to terminate for nonpayment of rent. Moratorium if the tenant does not qualify for protection under the CDC Eviction Moratorium. If the PHA has the discretion to terminate for nonpayment of rent and exercises its discretion not to terminate tenancy due to the tenant’s failure to make payments due under the lease, then the PHA can restructure the existing repayment agreement for an amount that is affordable to the family. In addition, HUD advises PHAs to review their Admissions and Continued Occupancy Policy (ACOP) to ensure its policy aligns with 24 CFR 966.4(l)(2). In light of the ongoing pandemic, HUD also encourages PHAs to provide as much flexibility in their repayment agreement policy as possible. To support PHAs that wish to amend policies to provide repayment agreement flexibility, pursuant to statutory authorities provided under the CARES Act, HUD provided PHAs through Waiver PH-4 in [PIH Notice 2020-33](#) the ability to expedite revisions to their ACOP, including adding or adjusting repayment agreement policies. Changes must be made by March 31, 2021 and formally adopted by the PHA Board as soon as practicable, but no later than June 30, 2021.

4.5 Income, Stipends, Pay and Benefits

OC28. Are the Economic Impact Payments (also known as stimulus payments) of up to \$2400 to individuals authorized by Congress for COVID-19 relief considered annual income? (Updated 3-24-21)

A. No. Pursuant to 24 CFR 5.609(c)(9), annual income does not include temporary, nonrecurring or sporadic income. Any additional future one-time stimulus payments made directly to individuals and families would be excluded from annual income, as they are temporary, non-recurring payments.

OC29. Should PHAs consider regular unemployment benefits as income and/or unemployment from the CARES Act? (Updated 3-24-21)

A. Regular unemployment benefits will continue to be considered income. The CARES Act had three provisions to strengthen and extend unemployment benefits; two of which will be included in the income calculation and one will be excluded in the income calculation:

1. **Section 2102: Pandemic Unemployment Assistance (PUA)** expands the qualification of unemployment insurance (UI) for people that are self-employed, work part-time, or who would otherwise not qualify for regular UI – this benefit will be for 39 weeks. PHAs shall include PUA in the income calculation, as it mirrors the regular UI benefit, which is included in income under 24 CFR 5.609(b)(5).
2. **Section 2104: Federal Pandemic Unemployment Compensation (FPUC) program** is providing \$600/week for 18 weeks as an enhanced unemployment

benefit. PHAs shall exclude the \$600 per week enhancement provided by the CARES Act because these payments are temporary and likely non-recurring.

3. **Section 2107: Pandemic Emergency Unemployment Compensation (PEUC) program** allows regular unemployment compensation to receive up to 13 weeks of additional benefits (this extends regular UI from 26 weeks to 39 weeks in total). PHAs shall include PEUC in the income calculation, as it is simply an extension of regular UI benefits.

HUD is aware of an unemployment extension in the 2021 Consolidated Appropriations Act and is evaluating the impact to income calculations. HUD will provide an updated guidance for income calculation soon.

OC30. Many of our tenants have had a loss in income and cannot meet their rent obligations. Can we delay processing these requests until we reopen?

A. As described in [PIH Notice 2020-33, REV-2](#), HUD considers processing minimum rent hardship exemptions and completing reexaminations for participants who have experienced a decrease in income as critical functions for PHAs. A decrease in family income is not the basis for a termination of tenancy action (HCV/PBV program) or eviction from public housing.

PHAs operating public housing may also choose to revise their hardship and minimum rent policies. As provided in [PIH Notice 2020-33, REV-2](#), changes to these policies may be completed on a temporary basis without Board approval.

OC31. My PHA is interested in offering stipends to residents who volunteer for COVID-19 response tasks such as food distribution. The stipend may exceed the \$200 income exclusion limit provided in 24 CFR 5.609(c)(8)(iv). Will HUD waive this limit so that the entire amount is excluded from annual income?

A. The current CARES Act Waiver Notice ([PIH Notice 2020-33, REV-2](#)) does not have a specific provision related to resident stipends. As an alternative, PHAs operating a Public Housing program can adopt additional deductions from annual income (24 CFR 5.611(b)(1)) to cover the any amounts in excess of the \$200 limit. Since PHAs would be required to update their respective policies to effectuate such deductions, the PH-4 waiver provision in the Notice would provide flexibilities to PHAs to adopt such deductions on an expedited basis.

Alternatively, pursuant to 24 CFR 5.110, PHAs could submit a written request to waive 24 CFR 5.609(c)(8)(iv) for good cause to exclude resident stipend amounts over \$200 from annual income. PHAs are reminded that the resident service stipend should not be used to supplant the work that would ordinarily be performed by PHA staff.

OC32. We understand that the \$600 CARES Act unemployment bonus is not counted in determining tenant rent. Can it be used to determine whether a unit is initially affordable for a household a new lease up (40 percent rule)?

A. Since this is not counted as part of the family's adjusted income it would not be included in the calculation for these purposes. Under 24 CFR 982.305(a), the PHA may not give approval for the family of the assisted tenancy, or execute a HAP contract, until the PHA has determined that

all listed program requirements have been met, including 982.305(a)(5), that the family share does not exceed 40 percent of the family's monthly adjusted income.

OC33. Should PHAs include unemployment income described in the August 8, 2020, Presidential Memoranda, “Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019” (PM)? This PM authorized a \$400 per week of additional unemployment benefit through the Lost Wages Assistance Program? (New)

A. PHAs shall exclude the unemployment benefit from the income calculation on the basis of the PM authorizing FEMA to provide assistance under the Stafford Act, which is normally excludable income.

OC34. Are CARES Act Higher Education Emergency Relief Fund (HEERF) and Coronavirus Response and Relief Supplemental Appropriations Act, 2021 HEERF II benefits included as tenant annual income for an HCV participant who is a student?

A. Amounts received through the CARES Act Higher Education Emergency Relief Fund (HEERF) are to be treated according to the regulation found at 24 CFR 5.609(b)(9). For an HCV participant who is a student, the amount received is excluded as annual income unless it exceeds tuition and any other required fees and charges. This excess is considered income unless the participant is over the age of 23 with dependent children, in which case it is excluded from income.

Amounts received through the Higher Education Emergency Relief Fund II (HEERF II), established by the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA), are to be treated in the same manner as HEERF as described above. For Public Housing residents, the full benefit would be excluded.

OC35. Is hazard pay included in the calculation of a participant’s income? Families are reporting that they are receiving additional pay for performing hazardous duty or their work now involves physical hardship has become hazard pay when their workplace as a healthcare facility converted due to a COVID-19 response facility.

A. Hazard pay has historically been included in the income calculation, but the PHA can consider whether the pay increase is temporary and whether it should trigger a reexamination. Thus, hazard pay is not excludable as a broad policy exception from HUD. The PHA’s policies govern when and if the family must report the increase in income. If the PHA has a policy to report any increase in earned income and adjust rent, then the family would report the increase and the PHA would process an interim reexamination. The PHA would need to process a subsequent interim reexamination when the income is reduced back to regular pay. If the PHA has a policy not to make an adjustment for increases, the family would have no impact to rent. For the Public Housing Program, the PHA may adopt permissive deductions of annual income if the PHA establishes a written policy for such deductions. Therefore, a PHA could use a permissive deduction for hazard pay increases as an incentive to essential workers.

OC36. Can a PHA or owner continue to provide an allowance for childcare expenses if the parent/guardian/caretaker is unemployed due to the pandemic? There are assisted families

who are reporting a mandatory unpaid furlough or decreases in wage income, who are now eligible and receiving unemployment benefits, but continue to be required to pay childcare expenses to maintain their slot with their regular childcare provider when they are able to return to work.

A. HUD regulations permit a childcare expense to enable a family member to seek employment, be employed, or further his/her education. See 24 CFR 5.603(b) and 5.611(a)(4). Being furloughed or receiving unemployment benefits as a result of COVID-19 does not, on its face, show that the family is not seeking employment. Other factors may be taken into consideration due to COVID-19. Therefore, if a family is receiving unemployment benefits due to COVID-19 and is required to continue paying childcare expenses, the PHA/owner can continue providing the deduction for childcare, absent a showing that the family is no longer seeking employment.

OC37. What type of assistance is available to tenants unable to pay their utility bills?

(Updated 3-24-21)

A. When residents are temporarily unable to pay their utility bill, many utility companies offer accommodations such as flexible repayment plans and/or no shut off policies.

Residents and PHAs are encouraged to reach out to local utility companies to identify these accommodations. Recently, a number of state and local governments have passed ordinances prohibiting utility companies from shutting off utilities due to a resident's inability to pay the utility bill. When researching no shut off policies, PHAs and residents should identify (1) if there is an expiration date for the no shut off policy, and (2) if there are conditions for customers to qualify for the no shut off policy such as contacting the utility company and/or making a minimum payment.

When residents are not able to pay their utility bill and are able to work out a repayment plan with the utility company, they are encouraged to pay what they can now so that when they are able to pay their utility bill they are not overwhelmed with a large utility bill.

Residents may also qualify for Low-Income Home Energy Assistance (LIHEAP). For more information about exclusions in the federal Low Income Home Energy Assistance Program (LIHEAP), see their [FAQs](#) and [guidance](#).

OC38. Can a PHA allow the cost of residents' cleaning supplies and personal protective equipment (PPE) to prevent COVID-19 as a medical deduction for elderly and disabled families when calculating family adjusted income/annual income, or a permissible deduction for public housing families?

A. While cleaning supplies are not typically considered medical expenses for the purposes of deducting unreimbursed medical expenses pursuant to 24 CFR 5.611(a)(3), PHAs are allowed to define what they consider to be deductible unreimbursed medical expenses for elderly and disabled families in their public housing Admissions and Continued Occupancy Policy (ACOP) and HCV Administrative Plans. Additionally, for the public housing program only, the regulations at 24 CFR 5.611(b) permit additional deductions from annual income for any family, which may include deductions for these types of expenses.

OC39. Does the participant need a doctor’s note to justify the deduction of medical expenses to prevent COVID-19?

A. There is no regulatory requirement for participants to get a doctor’s note or specific form of certification to justify medical expenses. As with all information in a tenant file, appropriate verification is needed but HUD does not explicitly provide PHAs with verification procedures. Therefore, HUD recommends that a PHA, as needed, have written procedures in common languages for its participants on their verification process in their ACOP and Administrative Plans. For public housing, please refer to the Income Determination Chapter in the online Public Housing Occupancy Guidebook for general guidelines on verification.

4.6 Administrative Hearings

For the purposes of this section, a “remote hearing” in public housing refers to the informal hearing for a denial of admission (24 CFR 960.208), the informal settlement of a grievance for a participant (24 CFR 966.54) and the grievance hearing for a participant (24 CFR 966.56). In the Housing Choice Voucher (HCV) program, a “remote hearing” refers to the informal review for denial of assistance (24 CFR 982.554) and an informal hearing for a participant (24 CFR 982.555). HUD recently published [PIH Notice 2020-32](#), which can also be referenced as guidance for a remote hearing.

OC40. For a remote hearing, what are the requirements for the technology platform that is accessible to persons with disabilities?¹ (Updated 3-24-21)

A. Under Section 504 of the Rehabilitation Act (Section 504), PHAs have an obligation to take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public with disabilities. See 24 CFR 8.6. The Fair Housing Act may also require certain actions. For remote hearings, such steps might include ensuring that any information, websites, emails, digital notifications, and platforms are accessible for persons with vision, hearing, and other disabilities. Auxiliary aids and services such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts may also be needed to provide effective communication in a digital context.

In addition, under Section 504 and the Fair Housing Act, PHAs are required to make reasonable accommodations in policies, practices, and procedures when the modifications are necessary to avoid discrimination on the basis of disability. See 24 CFR 100.204 and 24 CFR 8.33. Section 5 of [PIH Notice 2020-32](#) provides guidance on accessibility considerations for persons with disabilities.

PHAs shall furnish appropriate auxiliary aids where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program or activity.

¹ The citations to the ADA herein reference the obligations and the regulations under Title II of the Americans with Disabilities Act (ADA) at 28 CFR 35, which are promulgated and interpreted by the Department of Justice (DOJ). HUD is responsible for the implementation and administrative enforcement of Title II of the ADA for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities relating to state and local public housing, and housing assistance and referral. 28 CFR 35.190(b)(4).

See 24 CFR 8.6. PHAs may not rely on a minor child accompanying a person with a disability to interpret or facilitate communication for such person except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available. PHAs may not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances. See 28 CFR 35.160-164; 24 CFR 8.6.

Helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 CFR 35.104.

OC41. For a remote hearing, how can the technology platform accommodate persons who are not English speakers? (Updated 3-24-21)

A. The PHA must also take reasonable steps to ensure full and meaningful access to the remote hearing for persons with limited English proficiency (LEP) consistent with its obligations under Title VI of the Civil Rights Act of 1964. The obligation to provide meaningful access for LEP persons regarding administrative hearings is particularly important. This means that the PHA will need to coordinate with a qualified remote language interpretation service prior to the hearing. Conferencing technology may provide for remote interpretation. If video technology is available, remote interpretation using video is generally preferred over voice-only because of the additional visual cues. PHAs cannot rely on minors to interpret.

For written materials, the PHA should engage with a qualified language translation service. All written materials related to the hearing, whether paper or electronic, and whether provided before, during, or after the hearing, may need to be provided in translated format.

OC42. How can a PHA conduct a remote hearing if the individual or family does not have access to the technology needed to participate in a remote hearing, e.g., access to a computer, Wi-Fi, or phone? (Updated 3-24-21)

A. The lack of technology or inability to use technology for a remote hearing can impose a disadvantage for individuals or families that may not be apparent to the PHA. Thus, prior to scheduling a remote hearing, the PHA should identify and resolve any technology barriers that may exist. If the participant does not have proper technology access which will allow the individual to fully participate, then the remote hearing should be postponed, or an in-person alternative must be provided. Section 6 of [PIH Notice 2020-32](#) provides several best practices that could be considered in making the determination if a remote hearing can take place.

OC43. How should documents or evidence be presented during a remote hearing? (Updated 3-24-21)

A. PHAs are encouraged to provide evidence in a manner that minimizes in-person contact and promotes social distancing. This may include transmitting documents electronically or by mail that would normally be exchanged at the PHA's office. Under Section 504 and the Fair Housing Act, PHAs may need to make reasonable accommodations and take appropriate steps to ensure effective communication with individuals with disabilities through the provision of auxiliary aids and services before, during, and after any hearing. This may require changes in how the individual or family seeks discovery of information held by the PHA and the manner in which evidence is made available to persons with disabilities during remote hearings (while still meeting any applicable rules concerning the acceptance of evidence by the hearing officer). PHAs must also take reasonable steps to ensure meaningful access for LEP persons before, during, and after such remote hearings. See 24 CFR 8.6; 24 CFR 982.555(e)(2) and (5); 24 CFR 966.56(b).

OC44. For the HCV program, if the PHA offers a remote informal hearing as an alternative option to an in-person informal hearing, does the Administrative Plan need to be updated? (Updated 3-24-21)

A. Yes. The Administrative Plan must state the PHA procedures for conducting informal hearings for applicants and participants. If the PHA would like to implement a remote hearing as described in [PIH Notice 2020-32](#), then the PHA must update its Administrative Plan. See 24 CFR 982.554(b), 24 CFR 982.555(e) and PIH Notice 2020-32. The PHA may utilize waiver HCV-1 provided in [PIH Notice 2020-33, REV-2](#) to update its informal hearing process and waive the requirement to adopt revisions to the administrative plan without Board approval.

OC45. For the public housing program, if the PHA offers a remote hearing as an alternative option to an in-person hearing, does the PHA's grievance procedure need to be updated? (Updated 3-24-21)

A. Yes. The PHA's grievance procedures detail how families are afforded the opportunity for a hearing on a grievance. If the PHA would like to implement a remote hearing as described in [PIH Notice 2020-32](#), then the PHA must update its grievance procedures. Because grievance procedures are part of the lease, the PHA will need to provide a 30-day notice to all residents and resident organizations, in a manner accessible for people with disabilities or limited English proficiency, setting forth the proposed changes to the lease in the PHA grievance procedures and provide an opportunity to present written comments. The PHA must consider the comments submitted by tenants before adoption of any lease grievance changes. See 24 CFR 966.52(c).

4.7 Real Estate Assessment Center (REAC) Policies and 50058 Reporting

OC46. Will the Real Estate Assessment Center (REAC) suspend unit inspections for public housing properties? (Updated 3-24-21)

A. REAC is working to prioritize the restart of inspections for the public housing portfolio in mid-calendar year 2021 for those considered high-risk properties. REAC is working with

CDC to further validate that its existing protocols meet CDC guidelines and that any inspections completed are done in a safe manner. REAC's protocol include the ability to cancel inspections if it is not safe to do so by state/local law or if a situation arises where the inspection cannot be safely conducted. That is true even after the inspection begins, if new information comes to our attention as to our ability to safely conduct the inspection.

Since the start of the pandemic, REAC has conducted inspections where there is an exigent circumstance or reason to believe that there is a threat to life or property at a specific location. Those inspections are conducted by HUD quality assurance inspectors in compliance with CDC guidelines.

OC47. Is REAC granting an extension of time for filing appeals due to COVID-19?

A. Yes. REAC will extend the deadline for submission of inspection appeals (Technical Reviews and Database Adjustments) and Public Housing Assessment System (PHAS) appeals. REAC will accept appeals within 60 days after resuming normal operations. Appeals received after the 60-day timeframe will be considered late and will not be honored. An example of an inspection appeal is for an inspection that was conducted prior to the outbreak of COVID-19 and the owner needs to appeal ownership of a fence. A PHAS appeal example is a financial submission that was approved prior to the outbreak of COVID-19 and there is a data error that the property owner would like corrected.

OC48. Is the National Standards for the Physical Inspection of Real Estate (NSPIRE) Pilot program still on the same schedule?

A. Due to the suspension of field work caused by COVID-19, some timelines for NSPIRE have shifted. HUD continues to make progress on the areas of NSPIRE that do not require an on-site presence. Once it is appropriate to resume field work, HUD will be able to provide updated timelines, but is currently projecting NSPIRE demonstration activities to continue through Fiscal Year 2021.

OC49. When will REAC resume inspections? (Updated 3-24-21)

A. REAC does not expect to schedule any public housing inspections until mid-calendar year 2021 for high-risk properties. PHAS scoring is suspended through March 31, 2021.

OC50. My PHA has not received its PHAS score/designation for FYE 9/30/19. Will we keep the same score from FYE 9/30/18?

A. If a PHA has not received a PHAS score for 2019, then the previous assessed designation will continue to be the PHA's score of record.

OC51. Can all PHAs get a PHAS score, even though scoring is suspended?

A. Not all PHAs have enough information in HUD's Subsystems to generate a score. A PHA should consult with its local HUD Field Office to determine if there is sufficient information for a PHA to receive a PHAS score.

OC52. Will there be any impacts to Form-50058 reporting in PIC resulting from the waivers included in [PIH Notice 2020-33, REV-2](#)?

A. If a PHA decides to utilize the authority granted by one or more of the waivers cited below, they will need to make adjustments to the data submitted on its Form-50058 submissions to prevent receiving fatal errors. Unless otherwise noted, the below items apply to both non-MTW and MTW PHAs.

- HQS inspections (*waiver notice provisions HQS-1, HQS-2, HQS-3*): For New Admissions where the PHA does not have a date to enter on line 5h, Date unit last passed HQS inspection, and/or line 5i, Date of last annual HQS inspection, enter 01/01/1900. For MTW PHAs, you can leave both lines blank when using the Form-50058 MTW.
- HQS inspections (*waiver notice provisions HQS-4, HQS-5*): For other action types where a date has previously been entered in lines 5h and 5i, those existing dates can be left in until a new date is available.
- Community Service and Self-Sufficiency Requirement (CSSR) (*waiver notice provision PH-4*) Due to the temporary suspension of CSSR, PHAs should enter 3, Pending, for all household members unless they are exempt, in which case the PHA would enter 4, Exempt, as they usually would. The PHA shall update this entry at the next annual reexamination based on the resident's compliance.
- Delay in submitting Form-50058s (*waiver notice provision 12a*): For Form-50058 submissions, there is currently a warning error in IMS-PIC that is presented if it has been more than four months since Form 50058 was last modified in the vendor software (e.g., date prepared and saved for submission). There is a similar error for Form-50058 MTW submissions that says three months. Because of this, it is recommended that PHAs start, finish, and transmit 50058s within the four-month timeframe. If this is not possible, be aware that the applicable warning error will be shown upon submission to PIC, but that the 50058 will be submitted if there are no fatal errors present.

OC53. If my PHA adopts HQS waivers 1 and 2 allowing owners to certify that they have no reasonable basis to believe that life threatening conditions exist in the unit, then when the PHA eventually conducts the HQS inspection, what type of inspection is it and how should it be entered in PIC?

A. Even though this is an initial HQS inspection of the unit and would typically be included in action type 1, the inspection should be entered as an annual inspection in PIC (action type 13), due to the fact that the action type 1 would have been submitted previously.

OC54. Can Voucher Management System (VMS) reporting be delayed for impacted PHAs?

A. As a general matter, no. VMS data reporting is time sensitive as it is the basis for monthly disbursement calculations, cash reconciliations, trend analysis, storyboards, set-aside funding adjustment calculations and budget projections. PHAs that are not able to meet reporting deadlines due to circumstances beyond their control must notify their Financial Analyst at the Financial Management Center (FMC) at FinancialManagementCenter@hud.gov immediately to discuss its plan to submit the data as soon as possible.

4.8 Audits

Note: Questions OC38 to OC40 from [the Round 5 FAQs](#) published July 16, 2020 have been removed, as they are superseded by [PIH Notice 2020-24](#).

OC55. I understand that HUD has published a notice that extends the audited and unaudited submission dates. Where is the notice posted on HUD's website?

A. HUD posted the Extension of Period of Availability for CARES Act Supplemental Public Housing and Housing Choice Voucher Funds, Guidance on CARES Act Financial Reporting Requirements (FDS and Quarterly Reporting), and Other CARES Act Provisions on September 14, 2020. This Notice provides information on the following topics related to implementation of CARES Act (Public Law 116-136) and related Supplemental Public Housing Operating Funds, Housing Choice Voucher (HCV) and Mainstream Administrative Fees, Housing Assistance Payment (HAP) funding, and Moderate Rehabilitation Program HAP funding. See [PIH Notice 2020-24](#).

OC56. Will PIH grant extensions to Memorandum of Agreement (MOA)/Recovery Agreement deadlines for troubled PHAs?

A. PIH will consider requests to extend MOA/Recovery Agreement deadlines on a case-by-case basis. A troubled PHA should work with the Field Office to request reasonable extensions of deadlines in the MOA/Recovery Agreement. Field Offices will review requests with the Office of Receivership Oversight (ORO). If the Field Office and ORO approve a MOA/Recovery Agreement deadline extension, then the troubled PHA and HUD will execute an amendment to the MOA/Recovery Agreement.

4.9 Public Housing (PH)

OC57. If a PHA informally revises its Admission and Continued Occupancy Policy (ACOP) using waiver PH-4, Adoption of Tenant Selection Policies, in [PIH Notice 2020-33, REV 2](#) and later formally adopts the revisions, would the PHA then need formal approval to once again revert back once the pandemic is over? (Updated 3-24-21)

A. Waiver PH-4 allows PHAs to expedite revisions to the ACOP without formal board approval. Any informally adopted revisions must be completed by March 31, 2021 and must be formally adopted as soon as practicable but no later than June 30, 2021. Ordinarily, a PHA would need to formally adopt revisions to the ACOP with board approval. Since PHAs may be operating with limited administrative capacity, it may be useful for PHAs to adopt temporary policies, and include a statement that the provision expires on a specific date in accordance with the waiver flexibility authorized in [PIH Notice 2020-33, REV-2](#).

OC58. How should we transmit amendments to the public housing Annual Contributions Contract; are we able to use digital signatures for such ACC Amendments to HUD?

A. Because of specific language in HUD’s FY2020 Appropriation, the Department cannot accept digital signatures from any PHA for any amendments to the public housing Annual Contributions Contract (ACC) Amendments, such as Capital Fund amendments, Capital Fund Financing ACC Amendments, Energy Performance Contract ACC Amendments and Mixed-Finance amendments. HUD can accept electronic submissions of scanned ACC Amendments with the PHA’s chief executive’s written signature in lieu of receiving hard copy signed ACC Amendments in the mail. If not already transmitted, PHAs should send the signed Capital Fund ACC Amendments by email. PHAs should **not** send ACC Amendments through the postal service or via expedited delivery service.

OC59. Are public hearings still required for Annual Plan submission? (Updated 3-24-21)

A. Public hearings/meetings required as part of the annual planning process must still occur. The statement, “HUD is waiving these requirements,” on page 7 of [PIH Notice 2020-33, REV-2](#) in reference to waiver PH and HCV-1 refers to waiver of the provisions affecting the timing of the PHA’s Plan submission. As an alternative requirement, HUD established new submission dates to accommodate potential postponement of public hearings due to limitations on large gatherings but is not waiving the public comment requirements in 24 CFR 903.17. PHAs are permitted to hold such meetings remotely or online provided they can accept and post answers to questions submitted during the meeting. In selecting a streaming service, PHAs must ensure they can comply with effective communications requirements. See 24 CFR 8.6. PHAs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

See FAQs Section 4.6 Administrative Hearings on technology considerations, Limited English Proficiency (LEP) and reasonable accommodations.

OC60. Are public hearings still required for Capital Fund 5 Year Action Plan submissions? (Updated 3-24-21)

A. Public hearings/meetings required as part of the Capital Fund 5 Year Action Plan process must still occur. PHAs are permitted to hold such meetings remotely or online provided they can accept and post answers to questions submitted during the meeting. In selecting a streaming service, PHAs must ensure they can comply with effective communications requirements. See 24 CFR 8.6. . PHAs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

See FAQs Section 4.6 Administrative Hearings on technology considerations, Limited English Proficiency (LEP) and reasonable accommodations.

OC61. Can a PHA apply for an extension to its Capital Fund obligation end date because of delays impacting the obligation of Capital Funds related to COVID-19?

A. Based on new authority in the [CARES Act](#), HUD extended the obligation end date and expenditure end date for all open Capital Fund grants for one year, as described [in PIH Notice 2020-33, REV-2](#), section 12(c).

OC62. Do I need to take any action to extend the Capital Fund obligation end dates in the Line of Credit Control Systems (LOCCS)?

A. No, you do not need to take any action. HUD updated the Capital Fund obligation end dates and expenditure end dates in LOCCS shortly after publication of [PIH Notice 2020-05](#). If you have questions about obligation end dates or LOCCS, please contact your local HUD Field Office. You may also send Capital Fund policy questions to PIHOICI@hud.gov.

OC63. Can I allow public housing residents who are on the flat rent rate calculation to opt for income-based rent even if they had already made a choice of rent selection during the year end recertification? (Updated 3-24-21)

A. In [PIH Notice 2020-33, REV-2](#), PH-14, HUD waived the requirement in 24 CFR 960.253 that says the family may not be offered a choice of rent more than once a year. The waiver permits a PHA to give families up to two opportunities to choose between a flat rent and an income-based rent within the same one-year period. This waiver is available until June 30, 2021.

OC64. If a PHA implements waiver PH-5 for the Community Service and Self-Sufficiency Requirement (CSSR) in PIH Notice 2020-33, REV-2, how long is the requirement suspended for families? For example, if a family's reexamination date is September 1, when would the family be subject to the CSSR? (Updated 3-24-21)

A. While the CSSR waiver enables consistency in its applicability along with administrative efficiency, the individual impact of the suspension will vary depending on the timing of the family's next reexamination. [PIH Notice 2020-33, REV-2](#), extended the initial waiver from March 31, 2021 to June 30, 2021. PHAs implementing PH-5 to waive the CSSR will provide immediate relief for families at their next reexamination by suspending the requirement. The CSSR would become effective again for the family member's subsequent annual reexamination cycle. For example, a family with a reexamination date of September 1 would not be subject to the CSSR at the reexamination for the preceding cycle (2019-2020). Instead they would be subject to the CSSR for the cycle after the September 1 (2020-2021) reexam. To maximize the relief period for families, PHAs may exercise flexibility to also implement PH and HCV-2 to delay annual examinations.

OC65. Can I switch my public housing residents on fixed incomes to either biennial or triennial recertifications? (Updated 3-24-21)

A. The provisions in the Streamlining Rule may help PHAs better manage their work if they have not already implemented the provisions. See [PIH Notice 2016-05](#). As provided in [PIH Notice 2020-33, REV-2](#), policy changes can be adopted without formal board approval until March 31, 2021, with a condition that formal board approval must be completed by June 30, 2021.

OC66. Public housing residents who are choosing to self-isolate have asked if we can suspend our Smoke Free policy so they can stay in their unit. Can we do that?

A. No; residents are required to smoke outdoors at least 25 feet from the building or within a designated smoking area outdoors (see 24 CFR 965.653). HUD is not currently considering applying COVID-19 flexibilities to these regulations.

OC67. What if the state asks to house a quarantined person in a vacant public housing unit? Can the state do that if there is a waiting list? (Updated 3-24-21)

A. For units in the public housing program (under the ACC), the PHA can only house persons who are eligible for public housing. PHAs are not able to bypass their waiting list to house new admissions requested by their state. However, PHAs may choose to amend or adjust waiting list policies to support the needs of their local community. The regulations at 24 CFR 960.206 (b)(5) include preferences for single persons who are elderly, displaced, or homeless. As provided in [PIH Notice 2020-33 REV-2](#) Section PH-4, temporary policy changes can be made without Board approval until the specified end dates in the referenced notice.

OC68. Will HUD waive the requirement to inspect public housing units during the COVID-19 pandemic due to multiple states' "stay at home" orders and social distancing guidelines from the CDC?

A. In [PIH Notice 2020-33, REV-2](#), HUD waived the requirement that PHAs must inspect each project during CY 2020 in PH-12. This waiver does not alleviate the PHA of its responsibility to provide safe housing. PHAs are reminded to expeditiously identify, respond to and address serious conditions that could jeopardize life or property. HUD encourages PHAs that choose not to utilize this waiver, or that wish to conduct inspections on a more limited basis to consider establishing and maintaining methods of performing remote, video-assisted or "virtual" inspections of dwelling units to identify maintenance needs while complying with CDC and local guidelines, especially for those units that may not be inspected this year. PHAs should also consider utilizing electronic means (such as videoconferencing, text messaging and email) of receiving maintenance requests and reports of life-threatening safety concerns directly from residents while minimizing in-person interactions. Additionally, it is recommended that PHAs continue to conduct exterior/site inspections or maintenance evaluations in compliance with social distancing requirements outlined by the CDC. PHAs will be required to complete an inspection of every public housing property during CY 2021.

OC69. My PHA is submitting an insurance claim for our financial losses related to vacant units we cannot lease during the COVID-19 pandemic. Can we apply for the category of Casualty Loss under PIH Notice 2011-07?

A. This request would likely not be approved by the field office as described. First, the "casualty loss" requirements from PIH Notice 2011-07 were updated in [PIH Notice 2016-13](#). The updated notice on insurance provides PHAs the ability to use the special unit status if there is a delay while settling an insurance claim. If your PHA is just applying to insurance for the loss, you are not yet "settling a claim" as described in the 2016 notice.

4.10 Housing Choice Voucher (HCV) Program

OC70. Can we delay processing any incoming or outgoing HCV Ports until this crisis has ended to limit the amount of personal exposure our staff has with clients?

A. PHAs should continue to process incoming and outgoing ports similarly to how they are handling all operational issues at this time. PHAs are encouraged to consider processing portability requests through electronic communications, teleconferences, and phone

communications to the extent practicable. HUD is not considering a portability waiver at this time.

OC71. How can my PHA recruit more landlords to the HCV program during the COVID-19 pandemic?

A. Under the CARES Act, and as further elaborated in [PIH Notice 2020-08](#), PHAs may use CARES Act HCV Administrative Fee funds for “Costs to retain or increase owner participation in the HCV Program, such as incentive costs (e.g., the PHA offers the property owner/landlord an incentive payment to participate in recognition of added difficulties of making units available for HCV families to rent while stay-at-home orders or social distancing practices are in effect.)”. In addition to this, as part of the Secretary’s Landlord Task Force Initiative, HUD is releasing a variety of tools to help PHAs plan and implement strategies to increase landlord participation in their HCV programs. HUD released one chapter of the HCV landlord strategy guidebook at [https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/landlord/guidebook;more will follow soon](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/landlord/guidebook;more_will_follow_soon).

This guidebook shares strategies that public housing agencies (PHAs) may implement to increase landlord participation and satisfaction with their HCV programs. In addition, HUD’s landlord resource page at https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/landlord includes links to webinars on HCV landlord participation and reference sheets on important aspects of the HCV program for landlords. PHAs may also consider using the waivers and alternative requirements of [PIH Notice 2020-33, REV-2](#) to streamline aspects of the HCV Program that impact landlords.

OC72. Should my agency suspend HCV homeownership assistance payments for a family whose lender suspended mortgage payments for a specified period of time due to COVID?

A. HCV Homeownership regulations at 24 CFR 982.635(a) provide that the PHA shall pay homeownership assistance payments while the family is residing in the home. The PHA has discretion to pay homeownership assistance directly to the homeowner or directly to the lender pursuant to 24 CFR 982.635(d).

Thus, based on the regulation, PHAs must continue payments covering HCV homeownership assistance. If the PHA’s policy is to pay the lender directly, the PHA must continue such payments for amounts due to the lender. Any part of the payment that exceeds the amount due to the lender must be paid by the PHA directly to the family (per 24 CFR 982.635(d)). If the PHA’s policy is to pay the family directly, then the PHA may either:

- Revise at its discretion the HCV administrative plan (under the streamlined provisions provided in the CARES Act waivers notice; see Section 9 of [PIH Notice 2020-33, REV-2](#)) to pay the lender directly during the suspension period (or for the remainder of homeownership assistance if the PHA chooses). As mentioned previously, any part of the payment that exceeds the amount due to the lender must be paid by the PHA directly to the family (per 24 CFR 982.635(d)); or

- The PHA continues paying homeownership assistance to the family, but the family will be responsible for paying the lender for the suspended portion once the loan resumes (and the PHA will have no further obligation to cover the suspended portion once the loan resumes). HUD encourages the PHA to notify the family of this payment responsibility, and PHAs may assist families in working with its lender to explain the family would like to continue paying those amounts during the suspension period.

OC73. How does a loan modification to extend the term of the mortgage impact the term of HCV homeownership assistance payments?

A. It does not. HUD regulation at 24 CFR 982.634 establishes a maximum term on HCV homeownership assistance for non-elderly/non-disabled families of 15 years if the initial mortgage has a term of 20 or more years, and 10 years in all other cases. There is no term on HCV homeownership assistance for elderly or disabled families. HUD waived this term in [PIH Notice 2020-33, REV-2](#). Specifically, for any family that is in the last year of this term (i.e., the 15th year or the 10th year, as applicable) and that is experiencing financial hardship as a result of the COVID-19 pandemic, a PHA may provide homeownership assistance for up to one additional year. See [PIH Notice 2020-33, REV-2](#) for additional information concerning this waiver authorized under the CARES Act.

OC74. Our PHA may be in jeopardy of our 2020 Unit Months Leased (UMLs) exceeding our Unit Months Available (UMAs). Is HUD offering a waiver so that PHAs can use their reserves (either Restricted Net Position (RNP) or HUD-Held HAP reserves) to exceed their Annual Contributions Contract (ACC) UMAs and have this included in their 2021 renewal baseline?

A. HUD has not waived the requirement that PHAs must maintain its leasing within their ACC authorized UMAs. The prohibition on over-leasing is a legislative requirement (pursuant to Federal appropriations acts) that governs the use of HCV funding, and it is beyond the scope of HUD's authority to waive this requirement under the CARES Act.

Any UML that a PHA leases above their authorized ACC UMAs will not be used in calculating its 2021 renewal funding. PHAs should manage their utilization and leasing to ensure their leasing remains within the limits set by their ACC. We encourage PHAs to use the [HCV Two-Year Tool](#) and work with their local Field Office to manage their program within the funding and leasing limits of the program. For additional information on the prohibition on over-leasing, PHAs should refer to Section 21, Prohibition on Over-leasing, outlined in [PIH Notice 2020-04](#).

4.11 Housing Quality Standards (HQS) Inspections

OC75. When can we resume HQS inspections?

A. PHAs may choose to resume HQS inspections at any time they believe it is safe and appropriate to do so. PHAs have the option of applying the waivers in [PIH Notice 2020-33, REV-2](#) related to HQS inspections until the period of availability expires (currently June 30, 2021). PHAs also have the option to perform remote video inspections (RVI) as detailed in the Remote Video Inspection section of this FAQ and HUD encourages PHAs to do so.

OC76. Can PHAs change their policy on the frequency of HQS inspections for units under HAP contract (e.g. from at least annually to at least biennially) during the COVID-19 outbreak?

A. Under HCV, the PHA must conduct HQS inspections on units under HAP contract at least biennially (or triennially for designated small, rural PHAs). PHAs that have chosen to inspect HCV units more frequently (annually) may revise their policies on the frequency of inspections and may certainly choose to revert to more frequent inspections at any time, including after the COVID-19 pandemic has passed. (See PIH Notice 2016-05 for additional information on moving to biennial inspections). [PIH Notice 2020-33, REV-2](#), HQS-5 details PHA's additional flexibility to delay biennial inspections.

OC77. When the unit is inspected and the unit does not pass due to a life-threatening HQS item, does the PHA give the owner time to correct the fail?

A. Yes. As would typically be the case, when the unit is inspected and is found to have a life-threatening deficiency, the PHA must notify the owner and give 24 hours for correction.

OC78. What is HUD's guidance on HQS inspections for PHAs that have halted or are considering halting HQS inspections for health and safety reasons. For new applicants and current residents who need to move into new residences, can we enter into a Housing Assistant Payment (HAP) contract for the new unit without having inspected the unit?

A. In order to provide PHAs with the necessary flexibilities to continue to allow families to lease units and to postpone normally required HQS inspections for units under HAP contract, HUD is authorizing the use of the HQS related waivers and alternative requirements listed in [PIH Notice 2020-33, REV-2](#). PHAs are in the best position to determine which (if any) of the waivers should be applied to their HCV program based on the needs and current conditions in their local communities. HUD has provided relief in the following areas: initial inspection requirements; biennial inspections; interim inspections; PBV inspections; quality control inspections; housing quality standards; and initial HQS homeownership inspections.

Under Section HQS-1 of the [notice](#), HUD is waiving and providing alternative inspection requirements in order to place a unit under HAP contract and commence making payments. See the notice for additional information.

OC79. Is the PHA required to cancel the HAP contract and recover the HAP paid if the unit fails with the first inspection after the waiver?

A. No. If a PHA has applied any of the HQS waivers that allow the PHA to rely on the owner certification to fulfill HQS inspection requirements, and the unit fails when the PHA conducts the required follow-up inspection or an interim inspection, the owner would be notified of deficiencies and have the standard timeframe for correction: 24 hours for life-threatening conditions or 30 days for non-life threatening. The PHA would not retroactively abate housing assistance payments or otherwise require the owner to repay housing assistance payments previously paid to the owner unless the PHA determined that the owner had knowingly falsely

certified that that the owner had no reasonable basis to have knowledge that life-threatening conditions existed in the unit at the time of the certification.

OC80. Prior to executing a PBV HAP contract, if our agency did not complete all required inspections before a stay-at-home order was put into place, are we required to reinspect all of the units or only the units that were not inspected prior to the stay-at-home order?

(Updated 3-24-21)

A. Your agency does not need to wait until the stay-at-home order is lifted before entering into a PBV HAP contract. Your agency can employ the alternative requirement in [PIH Notice 2020-33, REV-2](#) item HQS-1, for the units **that have not yet been inspected** (or for any unit that didn't pass inspection but had no life-threatening conditions). In other words, say 60 percent of the units have been inspected and passed inspection. PHAs can consider alternative methods of conducting inspections where they have concerns about safety due to COVID. HUD recently released [PIH Notice 2020-31](#) on [Remote Video Inspections that PHAs may find useful to reference](#). Your agency may accept the owner's certification that the remaining 40 percent of units have no life-threatening conditions and may proceed to place all of the units under a PBV HAP contract. As per HQS-1, the 40 percent of units must be inspected as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

OC81. Are owner certifications required for all delayed biennial inspections (HQS-5) or only for initial inspections (HQS-1)? (New)

A. At minimum, an owner certification that there are no know life-threatening conditions is now required for all delayed biennial inspections (in addition to initial inspections). This requirement applies to all biennial inspections after November 30, 2020, the effective date of notice PIH 2020-33. However, HUD encourages PHAs to get an owner certification for all delayed biennial inspections.

There has been a correction to HQS-5 in [PIH Notice 2020-33, REV-2](#) to better reflect this requirement.

4.12 Section 8 Management Assessment Program (SEMAP)

OC82. Will HUD adjust Section 8 Management Assessment Program (SEMAP) scoring for the HCV Program for agencies that must cancel or delay Housing Quality Standards (HQS) inspections? (Updated 3-24-21)

A. No. HUD is not adjusting SEMAP scoring for PHAs to remove the HQS indicator. For PHAs that have a SEMAP score with a fiscal year ending on or before December 31, 2020, HUD will carry forward the PHA's last SEMAP score unless the PHA requests to receive a new SEMAP score. HUD is authorizing the use of the HQS related waivers and alternative requirements listed in [PIH Notice 2020-33, REV-2](#). PHAs are in the best position to determine which (if any) of the waivers should be applied to their HCV program based on the needs and current conditions in their local communities. HUD has provided relief in the following areas: initial inspection

requirements; biennial inspections; interim inspections; PBV inspections; quality control inspections; housing quality standards; and initial HQS homeownership inspections.

OC83. Are PHAs required to submit documentation for an annual SEMAP certification?
(New)

A. Per [PIH Notice 2020-33, REV-2](#), item 11b-2., HUD waived the requirement for PHAs to submit an annual SEMAP certification in PIC within the 60 days after the PHA's fiscal year end date until June 30, 2021. For PHAs that opt for this waiver, the PHAs previous year SEMAP score will be carried over. However, HUD will issue a SEMAP score upon the PHA's request. The PHA must then submit a complete SEMAP certification.

OC84. Will PHAs that need to submit a SEMAP certification for FYE 12/31/20 have to submit a certification by the 60-day due date of March 1, 2021 (waiver notice provision 11b)? (Updated 3-24-21)

A. No. The suspension of SEMAP reporting is in effect for all PHAs with a SEMAP score pending as of November 30, 2020 or with a fiscal year ending on or before June 30, 2021. For PHAs that have a SEMAP score due on or before June 30, 2021 HUD will carry forward the last SEMAP score received by the PHA unless the PHA requests to receive a new SEMAP score.

OC85. Will HUD roll SEMAP scores forward for 2021? (Updated 3-24-21)

A. Unless the waiver related to SEMAP is further extended, HUD will resume issuing new SEMAP scores starting with PHAs having fiscal year end dates of June 30, 2021. HUD will continue to monitor the situation and provide additional flexibilities as needed.

OC86. If our SEMAP score for FYE 12/31/2019 was never scored, how will our FYE 2020 be determined? Will we be required to submit data for 2020? (New)

A. The PHA's previous year's SEMAP score will be carried over unless the PHA requests that a new SEMAP score be issued by HUD.

OC87. Since HUD is issuing SEMAP scores beginning with PHAs that have a fiscal year end date of 6/30/21, does my PHA have to maintain the quality control samples required for many of the SEMAP indicators? (Updated 3-24-21)

A. Yes, PHAs must continue to maintain the Quality Control (QC) samples. HUD has not waived this requirement or provided waivers for the regulations surrounding these indicators. For example, SEMAP Indicator 1, Selection from the Waiting List, has not been waived so a PHA still needs to show compliance.

OC88. If a PHA has a FYE of 6/30/21 do they have to do a SEMAP review and certification? Or does the waiver include those PHAs with a FYE of 6/30/21? (New)

A. PHAs with a FYE of 6/30/21 will need to submit a SEMAP review and certification for 2021. As stated in [PIH Notice 2020-33, REV-2](#), HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of June 30, 2021.

OC89. Will HUD issue instructions to PHAs regarding how SEMAP will be scored starting June 30, 2021, or will HUD automatically exclude all indicators impacted by waivers from the scores? (New)

A. HUD will provide future guidance on how it will resume issuing SEMAP scores.

OC90. If a PHA is required to do SEMAP every other year, and its fiscal year end (FYE) date is 12/31/2020, will the next SEMAP certification be due 2/28/2022? (New)

A. The SEMAP certification must be submitted electronically within the 60 days after the PHA's FYE date. If the PHA submits a SEMAP certification every other year, and the PHA's fiscal year end is 12/31/2020, the next SEMAP certification due date will be March 1, 2022. Upon the PHA's request and submission of a complete SEMAP certification, HUD will issue a new SEMAP score to the PHA prior to March 1, 2022. For additional information on SEMAP requirements please see FAQs at the following link.

https://www.hud.gov/program_offices/public_indian_housing/systems/pic/faq/semap.

4.13 Family Unification Program (FUP)

OC91. We issued a Family Unification Program (FUP) or Foster Youth to Independence (FYI) voucher to a youth approaching their 25th birthday. As a result of COVID-19 restrictions in our community, they may turn 25 years of age before entering into a Housing Assistance Payment (HAP) contract. Can HUD waive the age limitation to allow the youth to lease up the voucher after he/she has turned 25?

A. HUD is waiving the requirement that youths enter into a HAP contract before their 25th birthday. HUD is providing as an alternative requirement that the PHA may execute a HAP contract on behalf of any otherwise eligible FUP youth up to the age of 26. See [PIH Notice 2020-33, REV-2](#).

OC92. [PIH Notice 2020-33, REV-2](#) waiver HCV-10 says that HUD is waiving the requirement that a FUP youth must be not more than 24 years of age to be eligible to be placed under a HAP contract. HUD provides as an alternative requirement that the PHA may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age. Can the youth be 25 years of age when they receive the voucher and/or when they are referred to the PHA by the public child welfare agency (PCWA)?

A. No, HUD did not waive the age of eligibility for referral of the youth by the PCWA to the PHA for FUP, or the issuance of a FUP voucher. Such eligibility continues to be limited to youth

who are at least 18 years and not more than 24 years of age. Waiver HCV-10 may be applied to FUP youth issued a voucher at 24 years of age that are not be able to be placed under a HAP contract before their 25th birthday. As an alternative requirement, the PHA may execute a HAP contract on behalf of such youth prior to the youth's 26th birthday.

4.14 Disaster Housing Assistance Program (DHAP)

OC93. Could you use remaining Disaster Housing Assistance Program DHAP funds effective after the date the pandemic emergency was declared?

A. Remaining DHAP Administrative funds are to be used for "disaster-related purposes." These funds would be eligible for use on COVID-19 related purposes after the Presidentially declared emergency on March 13, 2020, and the associated state-declared disasters. See www.fema.gov/coronavirus/disaster-declarations.

OC94. Can the PHAs apply under the Disasters HAP set-aside category for COVID-19 related expenses?

A. No. To be eligible under this category, the PHA must have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) in CY 2019. Additional guidance is forthcoming.

4.15 HUD-Veterans Affairs Supportive Housing (HUD-VASH)

OC95. Are all HUD-VASH referrals now an exception to the requirement for shortfall PHAs to stop issuing vouchers?

A. Yes, [PIH Notice 2020-17](#) allows for the continued leasing of HUD-VASH referrals for shortfall PHAs. The guidance in 2020-17 supersedes shortfall guidance outlined in [PIH Notice 2020-04](#).

4.16 Mainstream Voucher Program

OC96. We received an award of vouchers through the FY 2019 Mainstream Voucher Program Notice of Funding Availability (NOFA) (FR-6300-N-43). It will be difficult to lease all of the awarded vouchers within the first year because we are suspending issuing new vouchers and inspecting new units as part of our efforts to keep our clients and staff safe during the COVID-19 outbreak. Can we have an extension on our awards effective date or the date by which we must lease the awarded vouchers?

A. The NOFA stated that PHAs must lease 80 percent of the awarded vouchers or budget within one year of the award becoming effective. The NOFA provides that HUD may recapture awarded funds if a PHA fails to meet this requirement. HUD understands that COVID-19 may affect a PHA's ability to lease up their award within 12 months, and therefore, HUD will exercise its discretion to allow an additional six months for leasing of the FY 2019 Mainstream awards. PHAs do not need to request this extension from HUD.

OC97. For- the Mainstream Vouchers program, will case managers need medical/disability verification statements for referrals for the time being?

A. Verification requirements have not been waived for new admissions to the HCV program, including the Mainstream Voucher program. PHAs still must follow the verification hierarchy outlined in [PIH Notice 2018-18](#), Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System. While applicants for Mainstream vouchers must be verified as a person with disabilities under the definition listed in 24 CFR 5.403, the applicant may provide documentation from the Social Security Administration showing that he/she is eligible for Social Security Disability Income. A statement from the SSA is sufficient to prove disability status and counts as Level 4 verification, whereas a written form from a medical provider is a lower level of verification, Level 3.

OC98. My PHA recently received new Mainstream vouchers as part of the CARES Act, do we have to pull from our existing waitlist? If so, can we make a new preference for shelter residents without a public notice delay? (Updated 3-24-21)

A. PHAs still need to use the waiting list to serve families in the Mainstream voucher program, however; [PIH Notice 2020-33, REV-2](#) provides several waivers that would allow your agency to create a new preference and more easily open the waiting list to those that meet the preference criteria.

Waiver HCV-1 allows PHAs to implement changes to their administrative plan without board approval, as long as the change can be revised on a temporary basis through March 31, 2021 and formally adopted no later than June 20, 2021. Waivers PH and HCV-7 allows PHAs to provide a limited public notice when opening the waiting list, requiring that PHAs update the voice message on their main phone line and announce the update on the PHA's website. The PHA must ensure effective communication with persons with disabilities and meaningful access for persons with limited English proficiency.

Under normal circumstances, PHAs are able to open the waiting list for those who meet certain criteria, such as shelter residents. In this case, the PHA could informally adopt a preference for shelter residents immediately and open the waiting list for those that meet the new preference criteria by announcing on the PHA's voice message and website. Please review [PIH Notice 2020-33, REV-2](#) if you are interested in adopting these waivers and alternative requirements.

OC99. My PHA was awarded vouchers through the FY 2017 Mainstream Program NOFA and have now been awarded additional Mainstream vouchers under the CARES Act. Are we required to use the new allocation of mainstream vouchers to serve the same target population established in the 2017 NOFA requirements?

A. A PHA that has met the obligation of the 2017 Mainstream NOFA may modify or remove an existing admission preference that was adopted in response to the 2017 Mainstream NOFA.

OC100. Do the updated policies for the Mainstream Voucher Program in PIH Notice 2020-01 apply to the additional Mainstream Voucher funding made available in the CARES Act (awarded through PIH Notice 2020-09) and previously awarded Mainstream vouchers?

A. Yes, [PIH Notice 2020-01](#) applies to all Mainstream vouchers regardless of when they were awarded.

OC101. We received additional Mainstream Voucher funding authorized under the CARES Act and implemented through [PIH Notice 2020-09](#). Is this funding intended to only assist families directly affected by COVID-19?

A. There is no requirement that PHAs target those who are directly affected by COVID-19. The funding is intended to support new Mainstream vouchers for eligible families— those that include a non-elderly person with a disability. PHAs will use their regular waiting list for these additional Mainstream vouchers just as PHAs do with their existing Mainstream vouchers. PHAs may add or modify preferences based on the needs in their community but it is not required.

OC102. We were awarded vouchers in the FY 2017 Mainstream Vouchers Notice of Funding Opportunity (NOFO) and are now being awarded additional vouchers under the CARES Act through [PIH Notice 2020-09](#). Are CARES Act Mainstream voucher funds subject to the same admissions preferences established in the FY 2017 NOFO?

A. PHAs that received points in the FY 2017 Mainstream Voucher NOFO (competition for adopting an admissions preference for one of the targeted groups) needed to establish a preference for at least one of those groups. A PHA that met the obligation in the NOFA may modify or remove an existing preference.

OC103. Do we need to use our regular HCV waiting list for this new Mainstream voucher funding (per [PIH Notice 2020-09](#))?

A. Yes.

OC104. If we accept the allocation of additional Mainstream Vouchers ([PIH Notice 2020-09](#)), can we make a new preference for shelter residents without a public notice delay?

A. Yes. [PIH Notice 2020-33, REV-2](#) outlines several waivers that would allow a PHA to create a new preference and more easily open the waiting list to those meeting the preference criteria. Please refer to waivers HCV-1 (pg. 19) and PH and HCV-7 (pg. 11) in [PIH Notice 2020-33, REV-2](#) for more information.

Under normal circumstances, PHAs are able to open the waiting list for those who meet certain criteria, such as shelter residents. In this case, the PHA could informally adopt a preference for shelter residents immediately and open the waiting list for those that meet the new preference criteria by announcing on the PHA's voicemail message and website.

4.17 Moving to Work (MTW)

OC105. Do the waivers in [PIH Notice 2020-33, REV-2](#) apply to Moving to Work (MTW) PHAs?

A. Yes, the notice applies to all PHAs, including MTW PHAs.

OC106. May Moving to Work (MTW) Annual Plans be submitted later than their required submission deadline?

A. The MTW Office will follow the revised due dates provided in Waiver PH and HCV-1 in the notice (pages 6-7) for Annual MTW Plan submissions. If an extension to submit the Annual MTW Plan (or Annual MTW Report) is needed during the COVID-19 pandemic, please contact your MTW coordinator at HUD HQ to request an extension.

OC107. In some cases, my PHA's Moving to Work (MTW) flexibilities are broader than the waiver authorities contained in [PIH Notice 2020-33, REV-2](#). When there is a conflict, does the MTW Agreement or the Notice govern?

A. MTW PHAs may follow the broader authority, whether it is contained in the MTW Agreement and or in an approved Annual MTW Plan –, as allowed under the MTW Agreement – or in [PIH Notice 2020-33, REV-2](#). It is at the MTW PHA's discretion. However, it should be noted that the waivers in the notice have a specified timeframe and will sunset, whereas approved MTW activities do not have limited timeframes (unless specified by the PHA).

OC108. May the CARES Act Supplemental HCV Administrative Fee funds be used by MTW PHAs for their local, non-traditional activities, in addition to Section 8 and 9 activities?

A. Yes, the CARES Act provides that the supplemental funding is to prevent, prepare for, and respond to, coronavirus, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus. Maintaining normal operations for an MTW agency would include any MTW activities that the PHA is authorized to do in accordance with their MTW Agreement, an approved MTW Plan, and applicable MTW requirements.

PHAs may use the CARES Act Supplemental HCV Administrative Fee funds during the period the program is impacted by coronavirus (called the “period of availability” in PIH implementation guidance) for Section 8, Section 9, and MTW local, non-traditional activities in accordance with [PIH Notice 2011-45](#), just as they may use regular Section 8 Administrative Fee funds for any of these purposes.

However, the CARES Act Supplemental HCV Administrative Fee funds must be expended during the period of availability, which ends on December 31, 2021 (unless extended by HUD). Unlike regular administrative fees, these funds may not roll into the unrestricted net position (UNP). All COVID-19 revenue and expenses must be tracked and accounted for separately throughout the period of availability. If any of these funds are not expended during the period of availability, the remaining funds must be remitted to HUD. Accounting and remittance guidance will be forthcoming.

HUD urges PHAs to expend this supplemental administrative fee funding as expeditiously as possible, to prevent, prepare for, and respond to, coronavirus. To maximize program offerings during the ongoing pandemic, HUD recommends that PHAs apply their supplemental administrative fee amounts to eligible MTW expenses first, since FY 2020 administrative fees may also be used for coronavirus-related activities within the period of availability and will continue to be available for MTW eligible purposes beyond the period of availability.

OC109. May the CARES Act Supplemental Public Housing Operating funds be used by MTW PHAs for their local, non-traditional activities, in addition to Section 8 and 9 activities?

A. Yes, the CARES Act provides that the Supplemental Public Housing Operating funding's purpose is to prevent, prepare for, and respond to, coronavirus, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by coronavirus. Maintaining normal operations for an MTW agency would include any MTW activities that the PHA is authorized to do in accordance with their MTW Agreement, an approved MTW Plan, and applicable MTW requirements.

PHAs may use the CARES Act Supplemental Public Housing Operating funds during the period of impact for section 8, section 9, and MTW local, non-traditional activities in accordance with [PIH Notice 2011-45](#), just as they may use regular Public Housing Operating funds for any of these purposes.

However, the CARES Act Supplemental Public Housing Operating funds must be expended during the period of impact, which ends on December 31, 2021 (unless extended by HUD). HUD will develop a process by which PHAs will report all expenditures of CARES Act supplemental funds, and will articulate reporting requirements, to include submission requirements, at a later date. PHAs may also be required to report on the expenditure of the supplemental funds, as well as Operating Funds, program income, and Capital Funds used for coronavirus-related expenses. PHAs should immediately modify their chart of accounts or take other steps as needed to enable themselves to accurately track and report the date and amount of coronavirus-related expenses based on the source of the funding used.

4.18 Repositioning and the Rental Assistance Demonstration (RAD)

OC110. Is HUD entertaining waivers of the obsolescence test for demolition or disposition under Section 18 and 24 CFR 970?

A. No; HUD does not currently plan to exercise its waiver authority under the CARES Act to waive the statutory obsolescence test for demolition, nor does it see any rationale for doing so based on COVID-19. Regarding dispositions, there is no obsolescence test that must be met to dispose of a project; [PIH Notice 2018-04](#) simply states that obsolescence as to the physical condition of a project is an example of a 24 CFR 970.17(c) disposition justification.

OC111. Are financial statements for Rental Assistance Demonstration (RAD) projects subject to the six-month submission extension?

A. [PIH Notice 2020-33, REV-2](#) provides an extension of time for select PHAs to submit their audited and unaudited financial data schedule (pages 28-29). Since PHAs are required to submit entity-wide financial information, this extension applies to all programs and projects that would normally be provided on the PHA's Financial Data Schedule, including any RAD projects and component units. If the RAD conversion was completed using the PBV method, the HUD funding (HAP and associated administrative fees), as well as HAP payment and administrative costs for these new PBV vouchers will be reflected under CFDA # 14.871 (HCV program) of the PHA that administer these newly issued PBV vouchers. The table below provides additional guidance.

FDS Column Used in Reporting of Project	Business Activities	Multifamily Program	Component Unit	Removal from FDS
<p>Typical Structure</p>	<ul style="list-style-type: none"> • PHA converts project to PBV • PHA continues to own project • A different PHA administers HAP contract <u>or</u> the PHA has created a separate legal entity to manage the property 	<ul style="list-style-type: none"> • PHA converts project to PBRA • PHA continues to own the project under its own TIN 	<ul style="list-style-type: none"> • PHA converts project to PBV or PBRA • PHA disposes of the project to a legally separate organization; however, the PHA remains financially accountable for this legally separate organization or has a significant relationship with this legally separate organization (see component unit reporting above) 	<ul style="list-style-type: none"> • PHA converts project to PBV or PBRA • PHA disposes of the project to an independent third party with which PHA has no relationship (does not meet component unit reporting requirements)
<p>Other Notes</p>		<p><i>The project must also be reported in FASS-Multifamily System (i.e., the project will be reported as part of the PHA's FASS-PH submission and in the FASS-Multifamily System)</i></p>	<p><i>For FDS Reporting, the PHA will report the project in FDS column 6.1 Component Unit – Discretely Presented or FDS column 6.2 Component Unit – Blended</i></p> <p><i>Projects converting to PBRA must also be reported in the FASS-Multifamily System</i></p>	<p><i>Projects converting to PBRA must also be reported in the FASS-Multifamily System</i></p>

OC112. Per PIH Notice 2013-27, our agency is required to conduct an in-person briefing for families as a result of a Housing Conversion action. These families have a right to a tenant-based Tenant Protection Voucher and will have an option for an Enhanced Voucher to move with the voucher or remain in place or to voluntarily consent to relinquish such assistance for a project-based voucher (PBV). The meeting is meant to educate residents as to their options, and to lay out a process for them to make a decision. How can we do this during the COVID-19 emergency? (Updated 3-24-21)

A. Please note that during this unprecedented time, HUD has encouraged PHAs (in Notice PIH 2020-33, REV-2) to implement alternative processes for voucher processing, to the extent possible, including conducting briefings online. Based on this guidance, your agency may meet the briefing requirements of [PIH Notice 2013-27](#) through such alternative means. However, please note that your agency continues to be responsible for ensuring that alternative methods of product delivery through reasonable modifications are available to allow persons with disabilities or limited English proficiencies to access the family briefing in the most appropriate setting and manner. You may direct any additional questions concerning this requirement to your local HUD Office of Fair Housing and Equal Opportunity. For information on accessible hearings, see Section 4.6 Administrative Hearings.

OC113. How should PHAs communicate with residents about the RAD conversion process, Section 18 demolitions/dispositions, and Section 22 voluntary conversions including responding to resident questions, and soliciting feedback when in-person resident meetings are not possible due to the recent COVID-19 outbreak?

A. The health and safety of residents, PHA and Owner staff, and other program partners is paramount. PHAs that continue with public meetings should follow the latest CDC, state, or local health department guidance relative to holding public meetings. However, it is still critical for PHAs and owners to keep residents informed through means necessary to ensure appropriate access for residents (e.g., residents with a disability or limited English proficiency) about any changes to their housing, their rights, and the timing of key events related to the conversion, demolition, or disposition and for residents to have the opportunity to provide comments as required at different stages of the process.

PIH's Special Applications Center has provided additional details on the required resident meetings and options for meeting these requirements at www.hud.gov/program_offices/public_indian_housing/centers/sac/coronavirus_impacts. See also Q5 in the [Multifamily RAD Q&A for COVID-19](#) at hud.gov/RAD. For information on accessible hearings, see Section 4.6 Administrative Hearings.

OC114. There are some changes to a PHA Admin Plan that are required by RAD and may be considered significant amendments by the PHA. Does the waiver language in [PIH Notice 2020-33, REV-2](#) PH and HCV-1 apply to these Admin Plan changes? (Updated 3-24-21)

A. Yes it does. If the adoption of such policies constitutes a significant amendment, then the PHA may adopt the alternative requirements specified at PH and HCV-1 of [PIH Notice 2020-33, REV-2](#) with respect to the implementation of such policies.

4.19 Privacy Act and Personally Identifiable Information (PII)

OC115. An external group asked my PHA to share information about waivers and alternative requirements implemented. What are my requirements to share that information? (Updated 3-24-21)

A. As described in [PIH Notice 2020-33, REV-2](#) 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. This posting could be on a website, the PHA's social media page, or on a bulletin board in the PHA office.

OC116. How can PHAs assist residents to “opt in” to COVID-19-related services, such as food delivery, for service delivery providers that require Personally Identifiable Information (PII)?

A. Responsibility for safeguarding PII collected from residents rests with PHAs. If a PHA currently has an enforceable agreement with a service provider through which the PHA shares PII to assist in administering public housing or Section 8 programs, this service provider can also assist in providing COVID-19 related services. Where such an enforceable agreement does not exist with a service provider, to expedite access to critical COVID-19-related services, such as food delivery and/or medical supplies, PHAs may provide residents with a contact list of such local social service providers. Residents can then provide their PII directly to their chosen service providers. This eliminates the need for HUD to create an authorization form allowing residents to "opt in" for service delivery or for PHAs to coordinate the delivery of services to residents. This also eliminates the need for PHAs to share resident PII contained in Inventory Management System/Public Housing Information Center (IMS/PIC) and the EIV systems.

Alternatively, if the PHA does not believe it is feasible to contact all residents to provide them with the contact list of service providers, and the PHA does not currently have an enforceable agreement with a service provider that allows it access to the PHA's residents' PII, a PHA can only share residents' PII with an entity that is providing COVID-19 assistance to the PHA's residents if HUD has approved the release of residents' PII. A PHA must show HUD there are compelling circumstances that meet the health and safety Privacy Act exception, which allows for disclosure:

(8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual; 5 USC 552(b)(8)

If a PHA has HUD approval, a written contractual agreement between the PHA and the third party is recommended to ensure that the information is securely maintained and used in a manner consistent with the Privacy Act and [PIH Notice 2015-06](#).

OC117. During this period of COVID-19 where many Public Housing Agencies' staff are working from home, can PHA staff take tenant files (physically/electronically) home?

A. Staff wishing to take tenant files home must consult with their respective supervisors, as the responsibility for protecting PII rests with the PHA. PHAs are still obliged to follow the guidance of HUD's Privacy Protection Guidance for Third Parties.

OC118. Does HUD have guidance for PHA staff performing remote work functions and storing PII in certain cloud-based services?

A. HUD recognizes the issues raised about remote work functions and storing PII in certain cloud-based services. However, the Privacy Act limits what information can be removed from a workstation and the type of information that can be used and stored on a personal computer. The guidance below may help PHAs protect PII while performing remote work functions.

During telework, there are risks to privacy and information security that are inherent with a remote workstation. PHAs are responsible for minimizing the risk of exposure or misuse of the data collected, used, and shared, especially individuals' Personally Identifiable Information (PII). It is the duty of the PHA employee to safeguard sensitive information, including all PII at all times. PII is information which can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information directly linked or linkable to a specific individual. Examples of PII include name, social security number, biometric records, date and place of birth, and mother's maiden name.

As an additional reminder:

- Staff should use PHA-issued laptops;
- PII should be protected at all times; and, unless it can be properly secured, it should not be taken home on paper unless approved by the immediate supervisor (see [PIH Notice 2015-06](#));
- Encrypt all files with PII and have password protection for Word documents;
- Any documents containing PII should be encrypted and sent to the employee's PHA email address; and
- Documents should not be downloaded to the employee's personal computer.

PHA employees should work with their supervisor to determine what types of documents are appropriate to take home and what documents must stay secured within the PHA workspace. It is also the responsibility of supervisors and managers to monitor employees' access to PII and assure the appropriate protections and safeguards are in place. For further guidance on the responsibility to protect privacy and PII, please contact your entity's privacy officer.

OC119. My PHA is being audited, but the auditors refuse to come to our office. Is it acceptable to upload files with PII to a shared drive so the auditors can review the files remotely? If it not acceptable, what are alternatives to provide the requested information to the auditors?

A. HUD understands that many auditors might continue conducting their audits and not utilize the six-month waiver. Acknowledging this, auditors may not be able to complete all procedures

of the audit remotely, rendering the audit limited in scope. Please refer to [PIH Notice 2018-18](#), Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System. Specifically, the section on the security of EIV data. The limitations in that section include the use of shared drives and portable media.

OC120. For the purposes of completing annual reexaminations, can PII be stored on a Shared Drive accessible only to the appropriate PHA staff?

A. As provided in [PIH Notice 2015-06](#), Section V: Protecting Electronic Transmissions of Sensitive PII via fax, and email, PII must not be placed on shared drives, multi-access calendars, the intranet, or the internet. Additional information is in the notice.

OC121. Given the sudden onset of COVID-19 and stay-at-home orders, some PHAs did not have enough equipment to provide to staff and had to rely on use of personal equipment. Will PHAs be penalized for downloading PII to personal computers?

A. Please be reminded that the PHA and its contractual partners are still obligated to adhere to the Privacy Act, [PIH Notice 2018-18](#), and [PIH Notice 2015-06](#). Specifically, the sections on protecting hard copy transmissions of files containing sensitive PII and penalties for willful disclosure or inspection of EIV data.

4.20 Remote Video Inspections (RVI) from the Real Estate Assessment Center (REAC)

OC122. Can a remote video inspection (RVI) meet the current regulatory requirements for HQS inspections as well as the requirement for PHAs to inspect their public housing units? Do you envision that this will be a tool that can be used into the future (not just through the COVID-19 period)?

A. A Remote Video Inspection (RVI) can be utilized to meet regulatory inspection requirements for the Housing Choice Voucher. As described in [PIH Notices 2020-33, REV-2](#) PH-12, and [2020-31](#) an RVI can be an option for PHA self-inspections. RVI is a regular HQS/public housing inspection performed remotely with a “proxy” inspector with the PHA HQS/PH inspector remotely directing the inspection. The Department will issue additional guidance for best practices that PHAs can follow. HUD envisions that, once the process is mature, this method can be used by PHAs into the future (not just through the COVID-19 response period).

OC123. What is a remote video inspection (RVI)? (Updated 3-24-21)

A. An RVI is a method of conducting a housing inspection using video or digital picture technology performed with the use of a proxy who follows the direction of the PHA public housing inspector or Housing Quality Standards (HQS) inspector of record. HUD’s Real Estate Assessment Center (REAC) has been reviewing the use of technology for inspections during the COVID-19 pandemic emergency to help inspectors, landlords/owners and residents maintain social distancing. Please refer to [PIH Notice 2020-31](#).

OC124. Are remote video inspections (RVI) available for the public housing, Mod Rehab, and the Housing Choice Voucher (HCV) programs? (Updated 3-24-21)

A. At this time, RVI is available only for the HCV program and for public housing self-inspections per [PIH Notice 2020-33, REV-2](#), PH-12. The Department is considering expansion of the RVI to additional programs and will notify PHAs accordingly.

OC125. Has HUD issued guidance on how to conduct a remote virtual inspection? If so, where is it located? (Updated 3-24-21)

A. Please refer to [PIH Notice 2020-31](#). Additional guidance will be released imminently and will be located on the REAC website at www.hud.gov/program_offices/public_indian_housing/reac.

OC126. What equipment does a PHA need to do an RVI? (Updated 3-24-21)

A. The PHA/HQS inspector of record decides what equipment is needed to perform the inspection. A list of commonly used equipment includes:

- Distance measuring device, i.e., a tape measure.
- Lighting device, i.e., a flashlight
- Circuit analyzer
- Telescoping stick or ladder to test smoke and carbon monoxide detectors
- If needed, the proxy inspector will bring a temperature device for displaying the temperature of the unit.
- A fully charged smartphone or tablet that has a reliable internet connection (Wi-Fi or at least 4G wireless service).
- Smartphone or tablet must have enough camera resolution (megapixels, sensors, and pixel size) for the HQS inspector to see items in detail such as paint chips, broken glass, etc.

OC127. If a PHA has to upgrade its agency IT protocols to accommodate RVI services and protect PII, does the CARES Act cover this expense?

A. The CARES Act provides new funds for administrative expenses for Section 8 programs, to support or maintain the health and safety of assisted individuals and families, and costs related to retention and support of participating owners. PHAs may use administrative fees and administrative reserves to cover HCV and PBV staff labor hours for planning and response, personal protective equipment (PPE), and cleaning supplies for the office such as disinfectants and sanitizers. Additionally, administrative fees and administrative fee reserves can be used to pay for costs to transport staff to perform essential functions. Such funds can also cover costs to upgrade equipment or technology to facilitate electronic communication and reduce reliance on in-person meetings and transactions. For more information see FAQs Section 6.7 Housing Choice Voucher (HCV) Programs.

OC128. Can a proxy inspector perform an RVI? (Updated 3-24-21)

A. Yes. The PHA must approve the proxy inspector and must operate under the direction of the HQS inspector of record. The proxy inspector may be the owner (or landlord), owner's representative, or the resident.

It should be noted that the proxy must not only have the correct equipment but must also have the ability and authority to conduct the physical parts of an HQS inspection. Also, the proxy must meet any additional criteria, such as being over 18 and having lawful access to all areas of the unit and building to be inspected. If the proxy inspector cannot perform the necessary functions, the PHA can end the RVI. Please refer to [PIH Notice 2020-31](#).

OC129. For the use of RVIs, please provide more clarity of whom in the home would have the camera?

A. The "proxy" is the individual approved by the PHA to be in the unit and following the instructions of the HQS inspector directing the inspection. The proxy would be in the unit holding the camera. Please refer to [PIH Notice 2020-31](#).

OC130. Can the PHA take pictures during the RVI by using an Inspector's iPad or phone being used for the live video and then upload those photos into our inspection software as normal?

A. Yes. The PHA can use the Inspector's iPad or phone being used for the live video and uploading the pictures in the PHA's software.

OC131. Will the inspection best practices be posted on the REAC website or on the COVID site?

A. The best practices will be posted on the REAC website at www.hud.gov/program_offices/public_indian_housing/react

OC132. Can we perform the RVI with Skype for HCV residents who opt-in?

A. The Department does not endorse any technology. The PHA has the flexibility to choose the technology that is the best fit for its given situation. The technology must allow the HQS inspector to see everything needed, have enough clarity to perform the inspection remotely, and does not breach PII.

OC133. How are PHAs to store the large data packets of video inspections?

A. HUD is not recommending the storage of video inspections. The video streaming is the technology used for the HQS inspector to conduct the inspection. For record keeping purposes, the HQS inspector will use the same electronic or paper forms in normal inspections for RVIs. If the PHA chooses to store the inspection, it must be in a secured manner for PII purposes and will need to determine the proper storage platforms that best fits their situation. Otherwise, the PHA should keep the electronic or paper inspection forms.

OC134. Does REAC need to be notified for HCV HQS Inspections? If so, who do we contact to notify that we will be using RVI? (Updated 3-24-21)

A. It is recommended that the PHA submit notification of its intent to use RVI to REAC and any questions or requests for additional information at RVI@hud.gov. This information will be important to HUD for the determination on how common RVI becomes, which will influence whether to incorporate RVI into other programs.

OC135. Will HUD Form 52580 be required for video inspections? (Updated 3-24-21)

A. RVI does not change any of the HQS requirements and the Form 52580 is still required. It is an HQS inspection performed remotely. Whether the RVI is conducted by the HQS inspector in person or using technology to stream the inspection by a proxy, it is considered an HQS inspection.

OC136. Will RVIs become a permanent way to complete inspections or does it apply during the pandemic only and have a use time limit? (Updated 3-24-21)

A. The RVI can be used during the COVID-19 emergency and after the pandemic. The notice is in effect until amended, superseded, or rescinded.

OC137. Can we use the date the landlord certified the unit and met HQS standards as the initial inspection date?

A. The landlord certification does not meet the HQS requirements. The unit would only meet HQS when it passes the HQS inspection, which could be met with an HQS RVI inspection. If a PHA decides to utilize the authority granted by one or more of the waivers in [PIH Notice 2020-33, REV 2](#), (HQS-1, HQS-2, HQS-3) they will need to make adjustments to the data submitted on their Form-50058 submissions to prevent receiving fatal errors. Unless otherwise noted, the below items apply to both non-MTW and MTW PHAs. For more information about PIC work-arounds, see FAQ OC52.

OC138. For inspections, can a PHA use pictures or just the virtual method only?

A. The RVI must be conducted using video streaming so the HQS inspector can view all inspectable areas and items. Pictures alone would not qualify as an RVI. PHAs can use pictures for HCV/PBV inspections as part of the RVI process to document deficiencies and needed repairs, but pictures alone are not a substitute for an RVI. A PHA could use pictures for “verification” for an HQS inspection for completed repairs.

OC139. Will the example video shown in the December 3, 2020 webinar be available online? How about the slides? (New)

A. Yes, REAC posted the video, a recording of the webinar, the [slides](#), and answers to the chat log questions on www.hud.gov/program_offices/public_indian_housing/react.

OC140. Can a proxy be the participant or a member of their family? Do they have to certify that HQS was met? (New)

A. The proxy can be the landlord, property representative, tenant, or any adult associated with this tenancy. The selection of the proxy is a mutual decision between the PHA, landlord, and tenant. The proxy is streaming the inspection back to the HQS inspector and following instructions and responding to probing questions from the inspector. The inspector makes the assessment based on what is observed through the video streaming and makes the determination about whether HQS was met.

OC141. Would CARES Act HCV Administrative funds be able to be used to purchase the necessary equipment as mentioned in pre-inspection planning? (New)

A. Most equipment purchased for an RVI would be eligible for CARES Act Administrative Fees. See [PIH Notice 2020-08](#) and the [HCV website](#) for more information.

OC142. I manage a small PHA in a rural area. Can RVI work for us? We do not have widespread access to broadband and our residents do not always have Wi-Fi. (New)

A. Yes, RVI can work for a small PHA in a rural area. Small PHAs participated in the pilot and have been successful using RVIs. If you are having issues with cellular or internet service, CARES Act HCV Administrative Fees can be used to purchase and loan mobile hot-spots for proxies to borrow during an inspection. See [PIH Notice 2020-08](#) and the [HCV website](#) for more information. If the Wi-Fi or cellular service cannot be upgraded or remains problematic, the PHA will have to conduct regular HQS inspections.

OC143. Can we give additional time for owner/tenants to clear deficiencies identified? (New)

A. The RVI protocol does not change or waive the HQS requirements.

OC144. According to [PIH Notice 2020-31](#), the proxy inspector is required to take Lead-Based Paint Visual Assessment training. If a tenant has not taken this course, can he/she still do the remote inspection? (New)

A. No, only proxies that have taken the course can do that portion of the inspection, if required. For the Housing Choice Voucher program, visual assessments for deteriorated paint are only necessary in units built before 1978 where there is (or will be) a child under age 6 in the unit. See the Lead Safe Housing Rule at 24 CFR Part 35, Subparts M, Tenant-based Rental Assistance. These requirements have not been waived by HUD during the COVID-19 emergency. The visual assessment course posted at <https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm> contains approximately 45 slides, a short test and can be completed online.

The proxy can be the landlord, property representative, tenant, or any adult associated with this tenancy. The selection of the proxy is a mutual decision between the PHA, landlord, and tenant.

OC145. Some of the buildings to be inspected were built before 1978 but have been rehabbed and issued new lead certificates. Many are under the Mod Rehab program or have Project-based Voucher (PBV) assistance. Does the proxy need to take the Lead-Based Paint Visual Assessment course for these? (New)

A. Unless the property has been found to be lead-based paint free by a state-certified inspector, it is still covered by HUD's Lead Safe Housing Rule. (Usually "lead certificates" issued by state or local agencies indicate the unit is lead safe, but not lead free.) The requirements for project-based assistance are different. They are covered under Subpart P of 24 CFR Part 35, Subpart H and require a full lead-based paint risk assessment. Visual assessments using RVI could be utilized for annual re-evaluations in accordance with [PIH Notice 2020-31](#).

5.0 Resident Health (RH)

5.1 COVID-19

RH1. How will my PHA learn about a positive COVID-19 case?

A. PHAs will learn about COVID-19 activities in the community from their state and/or local health departments. PHAs should communicate with their local health department if they are concerned that residents/workers in their facility might have COVID-19. Residents can be encouraged to self-report as part of a broader pandemic emergency policy.

Guidance for health departments regarding the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and COVID-19 is available through the [Department of Health and Human Services \(HHS\)](#).

RH2. How should a PHA inform residents/staff within a public housing unit that there is a positive COVID-19 case? How should a PHA share this information within one of their units without breaking HIPAA/other privacy laws?

A. PHAs should follow all state and local health department guidance, as well as the CDC's COVID-19 communication resources in both print and digital form at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>

If a housing provider is concerned that a person has COVID-19 and may pose a threat to the health or safety of others, the housing provider should set aside fear and speculation, and rely on objective medical information and advice from public health officials to determine steps that could mitigate or prevent the risk of transmission. See [HUD's Statement on Fair Housing and COVID-19](#).

PHAs can create a communication plan for distributing timely and accurate information during an outbreak, in a manner accessible for people with disabilities or limited English proficiency; this could be included in a broader pandemic emergency plan. PHAs can identify everyone in its chain of communication (for example, staff, volunteers, key community partners and stakeholders, the local HUD office and clients) and establish systems for sharing information.

PHAs should maintain up-to-date contact information for everyone in the chain of communication and identify platforms appropriate for the communication need and size of the agency. For example, PHAs may use a hotline, automated text messaging, and a website to help disseminate information to those inside and outside your organization.

PHAs can provide notification of positive COVID-19 cases without giving the name/apartment number/other personally identifiable information to their residents and staff. PHAs generally are not “covered entities” as defined by HIPAA but should exercise discretion in communications to avoid stigma and mistreatment of residents. See also [HHS guidance](#).

RH3. Is there a place I can refer residents that are experiencing distress?

A. The [Disaster Distress Helpline](#), 1-800-985-5990, is a 24/7, 365-day-a-year, national hotline dedicated to providing immediate crisis counseling for people who are experiencing emotional distress related to any natural or human-caused disaster.

RH4. My building has had several cases of COVID-19, and we are restricting all visitors as recommended by our health department. We have some vacancies we are not leasing due to the quarantine recommendation. Can we be approved for a vacant due to Natural Disaster status in PIC for these units?

A. Yes, if there is still an active disaster declaration in your state for the COVID-19 pandemic, you can apply to your field office for approval of this unit status in PIC based on the reasons you described. While PIH Notice 2011-07 describes use of the Natural Disaster category for disasters that damage units, the regulations at 24 CFR 990.145(b)(2) allow more flexibility. This status is also available for PHAs that have attempted to lease vacant units but have been unsuccessful due to applicant concerns about their safety, or other reasons related to the pandemic. Applications to your field office should describe the reasons for the request and a copy or citation of proclamations or official statements by the Governor or relevant state official. The current COVID-19 notice is at www.fema.gov/coronavirus/disaster-declarations.

RH5. If tenants request temporary relocation during the quarantine, what are a PHA’s options for addressing the request?

A. Residents may experience significant stress about their safety related to COVID-19 transmission and may ask for temporary relocation out of multi-unit properties. PHAs can request additional information from the resident to verify the need for relocation. PHAs are not required to grant these requests in advance of a specific health department directive. Health departments often recommend that residents self-isolate within their current home. PHAs can request verification from a medical health professional or the state or local health department as part of reviewing special requests related to COVID-19. PHAs can allow current resident families to use vacant units for temporary relocation if separation is recommended by the health department or a medical health professional. PHAs can also purchase a unit for quarantine. See question EU29.

RH6. Can I hold units vacant for future quarantine needs and get approval for a special use category in PIC?

A. Yes, but the requirements of 24 CFR 990.150 remain in effect. If there is still an active disaster declaration in your state for the COVID-19 pandemic, you can apply to your field office for approval of designation under the Disaster unit status in PIC for units that became vacant after the disaster declaration and remained vacant due to the disaster. The PHA should document that the vacancy was due to the disaster, as required by the regulations at 24 CFR 990.145(b)(2). If a health professional recommends that the PHA provide a resident an alternate location and there are no vacant units, the PHA could use CARES Act Supplemental Public Housing Operating funds for temporary relocation to a hotel unit or equivalent. See [PIH Notice 2020-07](#) section on “Use of Funds Related to Combatting Coronavirus.” For information about disaster declarations, see www.fema.gov/coronavirus/disaster-declarations.

RH7. What resources are available to address food insecurity concerns for residents? What about elderly residents without caregivers?

A. HUD encourages PHAs and property owners to explore all local, state, and federal resources to assist residents with access to food, especially residents living in HUD assisted housing that are at a higher risk for food insecurity. A list of potential sources can be found on the [HUD Exchange](#).

A key resource to connect older adults and their caregivers to meals and other community-based services is the U.S. Department of Health and Human Services/Administration for Community Living’s Administration on Aging’s “Eldercare Locator” at 800-677-1116 or eldercare.acl.gov. In addition, the Eldercare Locator can help people with disabilities find their local Aging and Disability Resource Center. People with disabilities can also locate their local Center for Independent Living at <https://www.ilru.org/projects/cil-net/cil-centerand-association-directory>.

Households who recently experienced a loss of income or who have a very low income can check with their state human services agency about food benefits under the USDA Food and Nutrition Service’s Supplemental Nutrition Assistance Program (SNAP), or check the Food and Nutrition Service’s website at <https://www.fns.usda.gov/> Households with children who previously received free or reduced-cost school meals should contact their school, school district, or state education department about food benefits for children. HUD also has a site where households can find nearby food pantries based on their location at www.hud.gov/findshelter/foodpantries.

RH8. What if I am notified of a child with an elevated blood-lead level (EBLL) during a shelter-in-place order? Can someone enter the unit to do an environmental investigation (EI)?

A. When responding to a report of a child with an EBLL, the PHA’s first step is to verify the report and to notify the public health department as described in [PIH Notice 2017-13](#). When communicating with the health department, the PHA or owner (as applicable) should request guidance on whether the environmental investigation should proceed during the pandemic. PHAs should follow local health guidance on next steps. If the state or local health department

cannot provide guidance, contact Lead_Regulations@hud.gov with a courtesy copy to PIH-COVID@hud.gov.

5.2 Domestic Violence

RH9. What should PHAs be doing to support victims of domestic violence who may be quarantined at this time?

A. Many survivors of violence, especially domestic violence, may be feeling trapped at this time. Because of job loss, sheltering in place requirements and restrictions on public transportation, individuals who are in a violent residential situation may feel like they cannot leave. HUD encourages PHAs to provide notice to residents, including remotely through their website and phone messages, and in a manner accessible for people with disabilities or limited English proficiency, that the PHA can still process requests for protections under the Violence Against Women Act (VAWA). HUD also encourages publicizing the National Domestic Violence Hotline, funded by HHS: <https://www.thehotline.org/>

In addition, HUD suggests reminding individuals that shelter-in-place policies in the U.S. do not require anyone to stay in a violent or unhealthy situation, and that police officers can still visit any facility that is restricting visitors to respond to 911 calls. HUD also encourages PHAs to reach out to their local social services departments to see what resources are still available during this time.

RH10. Can our PHA open its waitlist only to applicants who qualify for a homeless or a Violence Against Women Act (VAWA) preference?

A. Yes. HUD recognizes that certain populations face increased vulnerability during the COVID-19 Pandemic and as such, HUD encourages PHAs to consider adopting a local preference(s) for admission of families that include victims of domestic violence, dating violence, sexual assault, or stalking and individuals and families experiencing homelessness. Additionally, [PIH Notice 2012-34](#) provides guidance on how PHAs may open the waiting list only to applicants who qualify for a homeless or VAWA preference.

RH11. Can my PHA provide a voucher to a public housing tenant requesting a VAWA Emergency Transfer when there are no available public housing units?

A. HUD reminds PHAs, per 24 CFR 5.2005(e)(7) Emergency Transfer plans must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. PHAs may set a limited preference in their HCV program for VAWA Emergency Transfers from their Public Housing program. More information on establishing such a preference is explained in [PIH Notice 2013-15](#).

RH12. Can our PHA accept a verbal statement from a tenant or an applicant who wants to self-certify for VAWA?

A. As described in [PIH Notice 2017-08](#); Section 8.2 (a), PHAs and owners are not required to ask for documentation when an individual presents a claim for VAWA protections; the PHA or owner may instead choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence. HUD recommends that PHAs and owners develop written policies for how and under what circumstances a verbal statement will be accepted (e.g., the PHA was aware of the abuse and encouraged the victim to request VAWA protections). It is recommended that in cases where a PHA or owner decides to rely on such information, the PHA or owner document, in a confidential manner, the individual's verbal statement or other corroborating evidence.

RH13. How can my PHA establish safe mechanisms to communicate with survivors who are living with their perpetrators?

A. HUD reminds PHAs that when communicating with an applicant, participant, or tenant who has requested VAWA protections, precautions must be taken to avoid inadvertent disclosure of confidential information to another individual or entity in violation of 24 CFR 5.2007(c). Unless given permission from the victim to do so, the PHA or owner must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking (e.g., asking the victim to come to the PHA office to pick up the form HUD-5382) on the victim's voicemail system or with other individuals, including members of the victim's household. Best practice is for PHAs or owners not to send mail regarding the domestic violence, dating violence, sexual assault, or stalking (e.g., a written request to complete form HUD-5382, or written extension of the 14-business day timeframe to respond to the PHA's request for documentation) to the victim's address if the perpetrator may have access to the victim's mail (e.g. the perpetrator is the co-head of household, or the perpetrator is employed at the residency of the victim).

The PHA may consider these additional best practices during this time:

- Ensuring relevant staff understand confidentiality policies and procedures.
- Using a PHA post office box to receive written correspondence.
- Maintain distinct phone lines for certain purposes.
- Avoid using language referencing domestic violence or sexual assault in agency names, program names, organization names, and staff titles.

For more guidance on maintaining victim confidentiality, see [PIH Notice 2017-08](#); Section 11.1 & 11.2.

RH14. How can my PHA provide safe, remote options for survivors to participate in termination hearings and critical meetings with housing providers?

A. As essential PHA operations transition to accommodate working remotely during the pandemic, HUD encourages PHAs to use technology, such as Web-based and Smart Phone-based Videoconferencing (e.g., Zoom, Skype, FaceTime), to allow safe options for victims testify at hearings where their housing subsidy is at stake. This practice can be utilized both during and after the pandemic.

RH15. What should PHAs be doing to support victims of domestic violence who may be quarantined at this time?

A. Many survivors of violence, especially domestic violence, may be feeling trapped at this time. Because of job loss, sheltering in place requirements and restrictions on public transportation, individuals who are in a violent residential situation may feel like they cannot leave. HUD encourages PHAs to provide notice to residents, including remotely through their website and phone messages and in a manner accessible for people with disabilities or limited English proficiency, that the PHA can still process requests for protections under VAWA. HUD also encourages publicizing the National Domestic Violence Hotline, funded by HHS: <https://www.thehotline.org/>. In addition, HUD suggests reminding individuals that shelter-in-place policies do not require anyone to stay in a violent or unhealthy situation, and that police officers can still visit any facility that is restricting visitors to respond to 911 calls. HUD also encourages PHAs to reach out to their local social services departments to see what resources are still available during this time.

RH16. My PHA would like to reach out to our state or local domestic violence coalitions to find out more information on how we can safely assist victims. Where can we find this information?

A. Housing providers may seek support and guidance by contacting their or local domestic violence programs. These organizations can assist agencies in developing best practices for safely assisting applicants and tenants experiencing domestic violence, dating violence, sexual assault, or stalking during COVID-19. The National Coalition Against Domestic Violence Provides name and contact information of domestic violence coalitions in each state. You can access the list of state coalitions at ncadv.org/state-coalitions.

RH17. What resources are available if a victim is upset, in crisis, or wants to talk to someone right away?

A. The National Domestic Violence Hotline number is 1-800-799-7233. If the survivor is very upset or nervous about the resource, you can offer a warm transfer in which you'll stay on the line with the survivor and conference in the Hotline so that you can help the survivor connect with a representative. More information at www.thehotline.org.

RH18. During COVID-19, is my PHA allowed to ask victims for third-party documentation for emergency transfers, lease bifurcations, or other VAWA protections?

A. HUD reminds PHAs that they are prohibited from requiring the victim to provide third-party documentation of victim status, unless submitted documentation contains information that conflicts with existing information already available to the PHA or owner.

VAWA documentation only needs to meet the documentation and submission requirements at 24 CFR [5.2007\(b\)](#). The form [HUD-5382](#) includes certification, under penalty of perjury, that the VAWA incident meets the definitions at 24 CFR [5.2003](#) for *domestic violence, dating violence, sexual assault, and stalking*.

6.0 Eligible Use of Funds (EU) – HCV and Public Housing Programs

6.1 General Public Housing and HCV Program Uses

EU1. If a PHA uses CARES Act Administrative Fees for IT and telework improvements, are those expenditures no longer eligible for FEMA reimbursement?

A. Those expenses are not eligible for FEMA reimbursement if already addressed by CARES Act funds. Section 312 (a) of the Stafford Act, as amended, requires that no entity receive assistance for any loss for which financial assistance has already been received from any other program, from **insurance**, or from any other source. For example, the use of Federal and/or state funds granted for the same purpose clearly constitutes a duplication of benefits. Grant or cash donations provided by a third party also may constitute a duplication of benefits.

EU2. Will CARES Act funds have a different CFDA (catalog of domestic assistance) number for audit purposes or will these be considered part of the HCV or Public Housing grants?

A. No. HUD has determined that the CARES Act funding will be part of CFDA 14.871 for HAP and HCV Administrative Fees. CARES Act Public housing Supplemental Operating funds are part of CFDA 14.850.

EU3. My PHA ordered personal protective gear and supplies related to COVID-19 response on March 10. I submitted a purchase order for the funds on March 28th, and the vendor was paid on March 29th. Were these expenses incurred after March 27th, and thus eligible for CARES Act funding?

A. The date that the PHA ordered the supplies, March 10th, is the date to use for the incurred expense. Thus, these supplies are not eligible for funding under the CARES Act.

EU4. COCCs are also incurring costs as a result of COVID-19. Can the COCC charge additional fees against HCV and/or Public Housing Operating Funds Care Act funds to recoup some of these costs?

A. Yes, COCC additional operational costs are eligible costs under the allocation thresholds/requirements. The CARES Act Administrative Fees can be considered for COVID-19 and for maintaining ongoing operations.

EU5. Can PHAs waive or extend participant repayment agreements until after the COVID-19 pandemic is over?

A. The PHAs have the discretion to monitor their repayment agreements under the terms set forth in the PHAs administrative plan or ACOP. HUD does not prescribe the length or terms of repayment agreements. For additional guidance, see the repayment agreement guidance listed in Section 16 of [PIH Notice 2018-18](#).

EU6. My PHA is small and in a rural area not directly impacted by COVID-19. Can I use the CARES Act Supplemental Public Housing Operating funds and HCV Administrative Fee funds for normal operating expenses? (Updated 3-24-21)

A. Yes, as long as the funds are used by the applicable expiration dates. For public housing, funds must be expended by December 31, 2021 as described in [PIH Notice 2020-24](#). For HCV Administrative Fees, [PIH Notice 2020-18](#) extended the period of availability for the CARES Act HCV Administrative fees through June 30, 2021.

EU7. Can I use CARES Act funds for new software to automate the applicant intake and lease signature processes? Can we use text messaging to alert applicants on the waiting list of their status? How about software modules to allow online reporting for interim changes via our website?

A. While this software would help the PHA maintain social distance, which prevents transmission of COVID-19, it also improves the operational efficiency of the Public Housing and HCV management and operations. As such, it is a normal Operating Fund and HCV Administrative fee expense, and eligible for CARES Act funds. See PIH Notice 2020-07 for public housing and [PIH Notice 2020-18](#) for HCV Administrative fees.

EU8. My PHA incurred a number of expenses related to COVID-19 prior to the arrival of the CARES Act funds, as our local outbreak started in February. Can these funds cover those expenses? What if we used other funds to cover these expenses— can those accounts be reimbursed?

A. For the public housing program, expenses incurred beginning on March 27, 2020 can be paid for with CARES Act Supplemental Operating Funds, public housing operating funds or public housing capital funds. For the HCV Program, expenses incurred beginning on March 27, 2020 can be paid for with CARES Act funding or FY 2020 administrative fees. If the PHA used other accounts to pay expenses incurred on March 27, 2020 or later, they can be reimbursed by the CARES Act funding.

EU9. Can you clarify the CARES Act reporting requirements?

A. HUD is working on a CARES Act web portal that will be used for the required quarterly reporting to HUD based on Section 15011. Further guidance is in PIH Notice 2020-24.

As described in [PIH Notice 2020-07](#) and [PIH Notice 2020-08](#) (later superseded by [PIH Notice 2020-18](#)), the CARES Act requires that recipients of \$150,000 or more of CARES Act funding submit certain information regarding the use of CARES Act funds. Additional information is in [PIH Notice 2020-24](#).

This reporting is required for “covered recipients,” defined as any entity that receives covered funds that amount to more than \$150,000. PHAs that receive CARES Act funds that amount to more than \$150,000 will be subject to this additional reporting requirement based on the total amounts awarded, not each individual grant award.

As outlined in the Office of Management and Budget (OMB) memorandum, M-20-21, existing reporting requirements are anticipated to meet the requirements of Section 15011, but the content and format for this reporting is still under development and will need to be reviewed against current program practices. The Department will work in coordination with OMB to ensure that this requirement can be fulfilled by recipients of CARES Act funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden.

EU10. Can my PHA purchase a truck or small vehicle to deliver food and other essential items to residents using CARES Act funds?

A. Yes. The purchase of a truck or small vehicle is a normal eligible use of Public Housing Operating Funds, Capital Funds and HCV Admin Funds and is an eligible use of CARES Act funds and thus may be used to support residents as a result of COVID-19 including cost of delivery of goods, supplies, and equipment. PHAs are reminded that, pursuant to 2 CFR 200.431(f), automobiles are not an allowable fringe benefit, and the PHA should consider the cost reasonableness as described in 2 CFR 200.404. As PHAs allocate resources, they should keep in mind the long-term ongoing cost obligations of such a purchase as well as the availability and need for the vehicle for other program purposes.

EU11. If the local Health Department needs assistance providing COVID-19 related services to the community (including PHA residents), can these funds be used to pay the Health Department?

A. CARES Act funds can support delivery of health department services to public housing residents. However, these funds cannot be used to pay salaries of local health care workers, or to pay for medicine.

EU12. Can the PHA pay for tenant utility deposits using CARES Acts Supplemental HCV Administrative Fees or Public Housing Operating funds? (Updated 3-24-21)

A. HCV CARES Act Admin Fees and Operating Funds can be used for one-time payment of utility deposits. Neither of these sources of funds, however, may be used for ongoing payment of a family's utilities.

6.2 Staff Salaries and Benefits

EU13. Can I pay workers who are unable to telework with HUD funds if a PHA is ordered to close by local or state officials with HUD funds?

A. Staff that work for the Public Housing and HCV programs can be paid using the relevant HUD funds for their program. This compensation includes leave and other benefits as described in the PHA's personnel policies. Leave policies must comply with all relevant federal, state and local laws. Congress recently passed several new laws to assist employees including the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave

Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA). Guidance on these laws is available through the [Department of Labor](#) (DOL).

As part of emergency planning, all PHAs should review employees and their roles, and consider which functions are essential in case of state-mandated closures or a local shelter in place requirement. This may already be part of your personnel policy or labor agreements.

EU14. Does the Emergency Family Medical Leave Act (“EFMLA”) apply to Public Housing Authorities? How about the Emergency Paid Sick Leave Act?

A. The regulations for the EFMLA state that the law applies to “a Public Agency or any other entity that is not a private entity or individual [and] employs one or more Employees.” A Public Agency is defined as “the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Regulatory Commission), a State, or a political subdivision of a State; or any interstate governmental agency.”

The regulations further state: “Whether an entity is a Public Agency, as distinguished from a private Employer, is determined by whether the agency has taxing authority, or whether the chief administrative officer or board, etc., is elected by the voters-at-large or their appointment is subject to approval by an elected official.”

The final determination about whether a PHA is public agency may depend on how the PHA was established under state law, and how it is viewed by your state or local government views. PHAs should consult with their counsel for advice on applicability.

The Emergency Paid Sick Leave Act may also apply to Public Housing Authorities. This law requires covered employers to provide up to 80 hours of paid leave for their employees up to certain statutory caps. Guidance on both of these new laws are on [DOL’s site](#) which includes its own [Q&A](#). Additionally, the Department of Health and Human Services has published a brief on considerations for facilitating low-income families’ use of emergency paid family leave under the legislation. See <https://aspe.hhs.gov/pdf-report/low-income-emergency-paid-leave>.

EU15. Our PHA is struggling financially to pay staff. What if we have to lay people off?

A. In the case of staffing, PHAs should ensure that they follow existing PHA procedures, but HUD encourages PHAs to avoid layoffs if possible (separate from firing staff for good cause). In advance of this, PHAs can continue to use existing funding, reserves, and program income.

If possible, HUD encourages PHAs to utilize their grant-funded ROSS-SC staff to continue to perform their work remotely. Given that these positions are funded by a grant, and if there is funding remaining, the positions should not necessarily have to be eliminated. If, however, the PHA wishes to suspend grant activities at this time, the PHA should contact the field office to inform them of this. Once the PHA resumes operations, the grant may also resume and a grant extension may be requested.

EU16. I'm trying to understand the President's mandate and it appears that if my employees don't work, I will have to pay them for 2 weeks and then deduct that amount from my quarterly Federal Insurance Contributions Act (FICA) submission up to \$200 per day. Can we then use Capital Funds thru the Administrative section of our annual plans to be reimbursed for any additional days that we pay?

A. PHAs must follow all Federal, state and local laws as well as their established employment personnel policies. The new CARES Act provides PHAs flexibility for the Operating and Capital Funds. HUD will issue guidance soon.

6.3 Internet Connectivity for Residents

EU17. How can CARES Act funds be used to support in-unit internet access for public housing residents and families participating in the Housing Choice Voucher (HCV) program? (New)

A. **For Public Housing residents**, CARES Act Supplemental Public Housing Operating Funds (Supplemental Funds) are to be used to prevent, prepare for, and respond to coronavirus, including to provide additional funds for public housing agencies to maintain normal operations and take other necessary actions during the period that the program is impacted by COVID-19 through December 31, 2021. These funds may be used for eligible activities under subsections (d)(1) (Capital Fund) and (e)(1) (Operating Fund) of section 9 and for other expenses related to preventing, preparing for, and responding to coronavirus, including activities to support or maintain the health and safety of assisted individuals and families, and activities to support education and child care for impacted families.

Accordingly, the Supplemental Funds can be used for costs that are already eligible uses of Operating and Capital Funds related to internet access, included in the guidance [“Public Housing Funds for Internet Connectivity for Residents.”](#) In addition to these expenses, CARES Act Supplemental Operating funds can be used for expenses that help prevent, prepare for, and respond to COVID-19. Supplemental Funds and other Operating and Capital Funds shall not duplicate or be used when other governmental funding sources are available (e.g., Department of Education, state or local funds available for laptops for students) (see FAQ EU18 and [PIH Notice 2020-07](#)).

The purchase of laptops or other computer devices for individual residents and for shared use (e.g., on loan to residents for a defined period of time) is an eligible use of CARES Act funds provided PHAs have policies reflecting their distribution and retention methods consistent with equipment requirements and cost principles at 2 CFR part 200. PHAs must retain documentation to support how the activities and expenses prevent, prepare for, and respond to COVID-19. Examples of eligible uses include providing participating families with devices to access telehealth services, job training and to support education.

For families in the HCV program, CARES Act Administrative Fee funds may be used for (1) any currently eligible HCV (including Mainstream vouchers) administrative costs during the period that the program remains impacted by COVID-19; and (2) new COVID-19 related activities, defined as eligible activities by HUD, including activities to support or maintain the

health and safety of assisted individuals and families, and costs related to the retention and support of participating owners. CARES Act Administrative Fee funds may also be used for devices for residents as described in [PIH Notices 2020-08 and 2020-18](#) and as posted [on the HCV website](#) and the PHA determines that such activity is necessary to support or maintain the health of assisted families or otherwise to prevent, prepare for or respond to coronavirus.

The purchase of laptops or other computer devices is an eligible use of CARES Act funds provided PHAs have policies reflecting their distribution and retention methods consistent with equipment requirements and cost principles at 2 CFR part 200. PHAs must retain documentation to support how the activities and expenses prevent, prepare for, and respond to COVID-19. Examples of eligible uses include providing participating families with devices to access telehealth services and to support education.

EU18. How can my PHA assist with online learning for school children in the Housing Choice Voucher (HCV) and public housing programs? (Updated 3-24-21)

A. For both programs, CARES Act funds may be used to “facilitate and coordinate with local schools and local governments receiving funds from the U.S. Department of Education for the education of students participating in the program.” However, CARES Act funds may not duplicate funds from other local, state and Federal programs.

For families participating in the **HCV program**, [PIH Notices 2020-08 and 2020-18](#) authorized the use of CARES Act HCV Administrative Fees for “costs for the technological needs of program participants with school aged children being homeschooled as a result of the pandemic that are not and will not be provided through other Federal, state, or local governments.” For more information see CARES Act eligible expenses [on the HCV website](#).

For the **public housing program**, per [PIH Notice 2020-07](#), PHAs can use CARES Act Supplemental Public Housing Operating Funds to include “internet connection infrastructure and tablets or other low-cost computers for students.”

EU19. We are currently determining the number of families who need internet access and equipment to support public housing students. Are the families allowed to maintain possession of the tablets/computers indefinitely? (Updated 3-24-21)

A. The PHA, not the families, ultimately maintains possession of such devices. The devices are subject to the usual equipment regulations and cost reasonableness requirements in 2 CFR part 200.

6.4 Public Housing Program

EU20. What activities and purchases can be supported with Operating and Capital Funds for COVID-19 response?

A. Prior to the passage of the CARES Act on March 27, 2020, Operating and Capital Funds could be used to support the costs of certain planning and prevention activities, supplies,

software, and modification of PHA workspaces. See [FAQs](#) published March 13, 2020 under “Eligible Uses.”

The [CARES Act](#) provides Supplemental Public Housing Operating Funds and permits PHAs to use previously appropriated Capital Funds and Operating Funds flexibly until December 31, 2021, per [PIH Notice 2020-24](#). PHAs can use CARES Act supplemental public housing Operating Funds for all standard eligible uses for these funds during the limited period of availability of these funds. PHAs can also use these supplemental funds for “expenses related to preventing, preparing for, and responding to coronavirus, including activities to support or maintain the health and safety of assisted individuals and families, and activities to support education and childcare for impacted families.” HUD issued detailed guidance on eligible uses of the funds on April 28, 2020. [PIH Notice 2020-07](#) provides examples of eligible expenses. PHAs should refer first to that notice for guidance.

EU21. What is the start date for Public Housing Supplemental Operating Funds under the CARES Act? Is it the date of the implementation notice (April 28, 2020), the date they were awarded (May 1, 2020), or the date the CARES Act was passed (March 27, 2020)?

A. 2020 Public Housing Supplemental Operating funds were disbursed for public housing starting May 1, 2020. These funds can cover expenses, including expanded COVID-19 related expenses included in [PIH Notice 2020-07](#), that were incurred starting March 27, 2020. CARES Act obligations should not relate back to a period beginning any earlier than March 27, 2020. Additional guidance is in [PIH Notice 2020-24](#).

EU22. Are CARES Act Supplemental Operating Funds for the public housing program only for extraordinary COVID-related expenses?

A. No, the funds can cover normal operating and capital funds expenses in addition to the extraordinary uses that arise as PHAs prevent, prepare, and respond to the pandemic. The relevant language is on page 1 of [PIH Notice 2020-07](#) (emphasis added):

“The funds may be used **for eligible activities under the Operating Fund and the Capital Fund** (Subsections (d)(1) and I(1) of Section 9 of the United States Housing Act of 1937 (1937 Act)) during the period the program is impacted by coronavirus, **and other expenses** related to preventing, preparing for, and responding to coronavirus....”

[PIH Notice 2020-07](#) provides examples of various activities that a PHA may undertake in order to prepare for, prevent or respond to COVID-19, however the notice is not a comprehensive list, and PHAs may use the funding to pay for other reasonable expenses that fall under the umbrella of “preventing, preparing for, and responding to coronavirus.” PHAs should maintain documentation to support uses. If the PHA is still unsure of what expenses are ineligible, PHAs may contact HUD via email to PIH-COVID@hud.gov for public housing.

EU23. If an Asset Management Project (AMP) is a mixed-finance property not owned by the PHA, is the PHA obligated to provide the Supplemental Operating Fund grant amount to the property in accordance with the terms of the Regulatory and Operating (“R&O”) agreement for Operating Funds?

A. Mixed-finance projects owned by third-party owners have a Regulatory and Operating Agreement (R&O) that specifies how that project will be operated and how the PHA will provide Operating Funds to that project. This document is approved by HUD prior to the initial project closing and executed by the PHA and the third-party owner. Although there are variations in the methodology, many PHAs have committed to provide a percentage of operating subsidy received from HUD to a specific mixed finance project.

CARES Act Supplemental Operating Funds are Operating Fund grants, and PHAs should provide Supplemental Operating Funds in conformance with their approved R&O. For example, if a PHA has committed to provide 90 percent of the Operating Funds it received from HUD to a mixed-finance project, it should pass along the same 90 percent of Supplemental Operating Funds.

PHAs and third-party owners should note that CARES Act Supplemental Operating Funds have certain key differences from normal Operating Funds. The CARES Act Supplemental Operating Funds must be used for immediate needs, and the period of performance ends December 31, 2021, meaning the funds will be de-obligated from LOCCS and returned to Treasury if not expended by then. CARES Act funds must be transferred by the PHA to the third-party owner immediately upon draw down from LOCCS. Any Supplemental Operating Funds transferred to a third-party owner are considered expended at the time of transfer. This transfer must occur by December 31, 2021 to meet the period of performance requirement.

[PIH Notice 2020-07](#) provides flexibility to a PHA to move funding from one project to another project because of COVID-19 needs. PHAs may transfer Supplemental Operating Funds amounts to third party owners in excess of what is required by the R&O. As PHAs assess their portfolios in light of the COVID crisis, they should confer with the third-party owner to assess the needs of mixed-finance projects. PHAs should be cognizant that third-party owners are also struggling with a precipitous drop in rent and operating challenges related to keeping all residents in their projects safe and healthy.

EU24. Can I draw down all of my public housing CARES Act funds for use now?

A. Drawdowns may only be made to pay for immediate eligible expenses. Expenses must be for eligible activities under the Operating Fund and the Capital Fund (Subsections (d)(1) and I(1) of Section 9 of the United States Housing Act of 1937 (1937 Act)) and other expenses related to preventing, preparing for, and responding to coronavirus as described in [PIH Notice 2020-07](#). If your PHA has already drawn down funds without having immediate eligible expenses, please contact your assigned field representative.

EU25. Is the additional public housing funding through the CARES Act treated like Capital Fund grants, where funds are drawn down only after expenses have been incurred?

A. Yes. The requirement to draw down CARES Act Supplemental Operating Funds only for immediate needs is similar to the Capital Fund three-day rule. Pursuant to [PIH Notice 2020-07](#) CARES Act Supplemental Op Funds may be drawn down only for immediate needs. Please note that the rule requires funds to be disbursed immediately upon draw down.

EU26. Does a PHA's 5-Year Action Plan need to be revised to include work activities under the new LOCCS BLI 1509?

A. Yes, PIH's Office of Capital Improvements has provided [EPIC Reporting Instructions](#) that contain information on editing/revising 5-Year Action Plans. The instructions and other resources are available on the [EPIC webpage](#).

EU27. Does the increase of 15 percent for Administration apply to all open Capital Fund grants?

A. Yes, the increase of 15 percent for Administration applies to all open Capital Fund grants for the period HUD determines the program is impacted by COVID-19. At this time, this period is through December 31, 2021, per [PIH Notice 2020-24](#).

EU28. Can we cover our lost public housing rental revenue with the CARES Act Supplemental Public Housing Operating funds? Also, for those tenants that stopped paying rent during the eviction moratorium, do we write that off as an unpaid debt?

A. As described in [PIH Notice 2020-07](#), Supplemental Operating Funds may be used to pay for regular operations of the public housing program. They can cover unexpected increases in operating costs or cover normal operating costs, whether or not there are unplanned reductions in revenues related to increased unemployment.

For residents that experience a loss in income, the PHA is required to process requests for interim reexaminations commensurate with such lost income; therefore, PHAs should not have significant Tenant Accounts Receivable due to COVID-19. However, residents are still responsible for all rent charges. If residents still do not pay their rent, PHAs can set up repayment agreements to catch up on unpaid rent. The CARES Act eviction moratorium prohibited pursuing evictions or assessing fees for unpaid rent until July 24, 2020.

Write-offs of tenant account receivables as bad debt is a separate issue. The allowance method is the prevailing method for writing off receivables pursuant to Generally Accepted Accounting Principles (GAAP). Using the allowance method, as long as there is still a possibility that a receivable could be collected, it would remain on the Balance Sheet. PHAs would normally write off the receivable only when the tenant moved and was no longer reachable.

EU29. Can I use CARES Act funds to buy a public housing unit for quarantine?

A. Yes, a PHA can use Public Housing CARES Act funds to purchase a home housing unit to be used by public housing residents that need to temporarily quarantine, using the same process as with normally appropriated Capital Funds. The unit would be subject to all the requirements of any other public housing property, including the need for a Declaration of Trust. The PHA would

need to follow the Development Requirements identified at 24 CFR 905 Subpart F in the acquisition of the unit. The PHA is reminded, however, that the unit would still be considered “vacant” in PIC until a resident leases the unit. There is no special unit category in PIC or described in Notice 2011-07 for units held open for quarantine. Also, the PHA would still be subject to the Faircloth limit. The requirements for 24 CFR Part 960 still apply, so only current residents, or persons eligible for the public housing program may use the unit for quarantine. PHAs are strongly encouraged to make such resource allocations after consideration of all other options and short and long-term factors that may potentially be more cost effective, such as hotel room stays.

EU30. Can I purchase food for public housing residents?

A. No, CARES Act Supplemental Public Housing Operating and HCV Administrative Fee funds do not support the costs of food itself for residents. The CARES Act funds can be used to support delivery costs or preparation of food to support residents. Please see FAQ RH7 for more information about resources to support residents who may have food insecurity or challenges shopping for groceries.

EU31. Am I allowed to hire an agency to provide lunches to our public housing residents or have an agency purchase non-perishable food and make a brown bag for them?

A. Yes, the PHA can contract with an outside agency for food services. The PHA can cover the costs of preparing and delivering food to residents, but not the cost of the food using CARES Act Supplemental Public Housing Operating and HCV Administrative Fee funds. The organization would have to use other funds to cover the cost of the food, or charge residents.

EU32. Can the CARES Act Supplemental Public Housing Operating Funds be used for coordinating health care services for public housing residents and staff, such as arranging for residents to visit their health care providers, or working to facilitate telemedicine?

A. Yes, this is an eligible expense. As described in [PIH Notice 2020-07](#), this may include transportation and health-related supplies (e.g., masks and cleaning supplies) as well as staff time to coordinate care for residents and staff.

EU33. My PHA will struggle to cover operating costs if there are significant drops in rent collections related to income loss by our residents. Will HUD help increase operating subsidy to cover this shortfall?

A. The [CARES Act](#) provides new Supplemental Public Housing Operating Funds and funding flexibilities in the Operating Fund and Capital Fund programs for PHAs responding to the COVID-19 pandemic. See Notices of new funding the [PIH COVID page](#).

EU34. Can CARES Act Supplemental Public Housing Operating Funds be used for COVID-19 testing for PHA staff or residents? (Updated 3-24-21)

A. Yes, the funds can be used for COVID-19 testing for public housing staff and residents participating in the public housing or Housing Choice Voucher (HCV) programs per [PIH Notices 2020-07](#) and [2020-18](#).

EU35. Our PHA is hearing different opinions on eligible uses of the CARES Act Supplemental Public Housing Operating Funds. For example, we were told that we could only pay for normal operations if these costs were higher due to COVID-19. Can HUD please clearly state what these funds can be used for?

A. Supplemental Operating Funds authorized under the CARES Act can be used by PHAs for three general purposes:

- To maintain normal operations;
- To cover any eligible Capital Fund activity; and
- To prevent, prepare for, and respond to coronavirus

“Maintain normal operations” means any reasonable cost (see 2 CFR 200.404) incurred in the administration of the public housing program. Normal operating costs are costs which PHAs have historically / customarily incurred in the administration of their programs, such as costs associated with waitlist management, tenant reexaminations, and maintenance, including such items as employee salary and wages, benefits, contracts, insurance, associated information and technology costs. The Supplemental Operating Funds can be used to fund these types of costs. In addition, a PHA can opt to use these supplemental funds to pay for normal operations and use other eligible funding sources to fund costs associated with the prevention, preparation for, and response to COVID-19, or a PHA can simply use all of their supplemental fund to cover costs of normal operations, if the PHA has no costs associated with the prevention, preparation for and response to COVID-19.

Secondly, for many PHAs, their normal operating costs associated with the administration of the program have increased due to the COVID-19 pandemic. This increase in costs are sometimes referred to as “additional normal” or “enhanced” and refers an activity, such as interim reexaminations or maintenance, that has always been an eligible activity of the program but whose cost has simply increased due to the impact of COVID-19. These “additional normal” expenses remain an eligible activity of the program and can be funded by the supplemental funding, if reasonable.

“Prevent, prepare for, and respond to coronavirus” are costs that are allowed to be funded by the supplemental funding that would otherwise be an ineligible cost of the program without the authority provided by the CARES Act and outlined in [PIH Notice 2020-07](#) provides examples of various activities that a PHA may undertake in order to prevent, prepare for, or respond to COVID-19, however the notice is not a comprehensive list, and PHAs may use the funding to pay for other reasonable expenses that fall under the umbrella of “preventing, preparing for, and responding to coronavirus.”

If an activity that is paid for from the supplemental funding is neither a normal cost, an additional “normal” expense, a Capital Fund eligible expense, nor in accordance with HUD’s examples to prevent, prepare for, and respond to coronavirus, the cost may be deemed ineligible. **PHAs may use their discretion when determining whether an expense is eligible and must maintain documentation of such costs.**

Because each PHA is operating under different circumstances, HUD has put no restrictions on and has not prioritized what general category of costs the PHA must apply their supplemental funds to first. In other words, the PHA does not have to apply their supplemental funding to COVID-19 related costs or enhanced costs prior to using them to support normal operating costs. However, HUD strongly recommends that PHAs expend supplemental funds before routine fiscal year (FY) 2020 appropriated funds.

EU36. Can CARES Act Supplemental Operating Funds be used for COVID-19 testing for public housing staff or residents?

A. Yes, the funds can be used for COVID testing for staff and residents.

EU37. Can CARES Act Supplemental Operating funds cover the expense of personal protective equipment (PPE), medical supplies, and cleaning supplies for public housing residents?

A. Yes, those can be eligible expenses for preventing and responding to COVID-19, per [PIH Notice 2020-07](#).

6.5 Public Housing Accounting and Reporting

EU38. Regarding the use of CARES Act Supplemental Public Housing Operating Funds for transfers to the COCC, the notice refers to COCC “Safe Harbors.” Are these the published management, asset management and bookkeeping fees?

A. Yes, these are the fees provided for 2020 Management Fee Schedule and Financial Management Handbook Supplement and other related fees, see <https://www.hud.gov/sites/dfiles/PIH/documents/CY-2020-ManagementFeeSch.pdf> and the Financial Management Handbook https://www.hud.gov/sites/documents/DOC_9191.PDF

EU39. Can a PHA charge a management fee and bookkeeping fee in excess of the safe harbor fees? If so, what are the limitations and requirements to charge these excess fees?

A. Section 4 of [PIH Notice 2020-07](#), “Implementation of Supplemental Guidance to the Federal Fiscal Year 2020 Operating Fund Appropriations” provided a waiver of the safe harbor fees that a PHA’s Central Office Cost Center (COCC) can charge its projects and programs as summarized below:

- Funds transferred to the COCC in excess of the safe harbors must comply with cost reasonableness standards found at 2 CFR 200.404 and shall not exceed the safe harbors by more than 50 percent.

- The authority to use this provision is from March 27, 2020 through December 31, 2021, allowing for an increase in nine months of fees (April 2020 through and including December 2020). PHAs may retroactively apply this authority for COCC expenses incurred on or after March 27, 2020.
- The additional funds transferred to the COCC must be for immediate use and cannot roll into the PHA’s COCC reserves. This means that any additional fees above the safe harbor amounts transferred must be for a COCC expense and immediately used.
- Eligible uses of this authority include normal COCC costs, additional “normal” COCC costs, and COVID-19 related activities.
 - Funds must be used for COCC COVID-19 related costs and on the incremental higher operational costs of the COCC due to COVID-19, for example if the PHA has approved an increase in COCC salary (hazard pay), performance bonuses, or purchased laptops so staff can work from home. In addition, where the PHA can show that its typical COCC income is less due to the COVID-19 pandemic, thereby resulting in a net loss in the COCC, the PHA can use a reasonable increase in its fees above the safe-harbor amounts to cover expenses where there is no fee income to liquidate the costs (i.e., balance sheet neutral).
- The PHA is required to track and account for these Supplemental Operating Funds separately. This means that a PHA’s COCC records must show the amount, when these Supplemental Operating Funds were transferred to the COCC, the actual expenses that the Supplemental Operating Funds were used to cover, and the date paid.

In addition, PHAs will need to document the specific amount the Supplemental Operating Funds was increased to and how the total fee amount for that month was calculated. For example, suppose that a PHA normally charges a \$12.00 per-unit month (PUM) for a management fee and the PHA determines that a \$4.00 increase was a reasonable increase. The PHA would need a separate record showing the additional \$4.00 fee charged and the rationale for the increase.

EU40. According to [PIH Notice 2020-07](#), PHAs may transfer funds to the COCC in excess of the safe harbors, but not to exceed safe harbors by more than 50 percent. My PHA has always met excess cash requirement and has always been able to transfer funds to COCC. With COVID-19, can my PHA charge an additional 50 percent?

A. The increase shown in this example for the bookkeeping fee and asset management fee is correct, provided the increase is for either COCC COVID-19 related costs or the incremental higher operational costs of the COCC due to COVID-19. Further, this implies that the PHA can show that a 50 percent increase is reasonable. The increase must remain reasonable, as evidenced by appropriate documentation maintained by the PHA, but cannot exceed a 50 percent increase. A PHA cannot assume a 50 percent increase is reasonable. For example, If the PHA has not been affected by the COVID-19 pandemic in any manner, any increase in fees would not be reasonable.

6.6 Public Housing Childcare Costs

EU41. Can we provide a childcare stipend to public housing residents?

A. As provided in [PIH Notice 2020-07](#), PHAs can support childcare costs for residents so that they can continue to work, to the extent they would not have incurred otherwise. For reimbursement of expenses incurred, the PHA should have documentation that supports that the resident is working, did not have other childcare available (e.g. another parent not working), and that the payment matched the expense.

EU42. If the PHA provides residents funds for childcare, would the resident still be allowed to deduct their childcare expenses from their income at reexamination?

A. If childcare payments are provided to the residents, the expense should not be deducted from their income later if the PHA paid it. The PHA does not need to count these childcare payments as income if they are temporary, non-recurring payments to the resident. See 24 CFR 5.609(c)(9).

6.7 Housing Choice Voucher (HCV) Programs

EU43. What is the start date for the use of new HCV Program Administrative Fees awarded under the CARES Act?

A. 2020 HCV Program Administrative Fee funds were disbursed starting May 7, 2020. HCV Administrative Fees can cover expenses, including expanded COVID-19 related expenses included in PIH Notices [2020-08](#) and [2020-18](#), that were incurred starting March 27, 2020. CARES Act obligations should not relate back to a period beginning any earlier than March 27, 2020.

EU44. What activities and purchases can be supported with HCV Administrative Funds?

A. The [CARES Act](#) authorized the use of HCV Administrative Funds for COVID-19 eligible expenses in PIH Notices [2020-08](#) and [2020-18](#) and provides a list on the [HCV website](#) that is updated frequently. HUD encourages PHAs to utilize CARES Act funding first, as the 2020 HCV Administrative Fee funding is not subject to the limited period of availability.

EU45. Where can I find information about the 2020 HCV contract renewals and administrative fees?

A. [PIH Notice 2020-04](#) describes the funding provisions of the Further Consolidated Appropriations Act, 2020, P.L. 116-94, for the Housing Choice Voucher (HCV) Program.

EU46. Is the HCV Program accepting HAP set-aside applications during this emergency?

A. The HCV program recently issued [PIH Notice 2020-17](#) that describes how PHAs can apply for CARES Act – Housing Choice Voucher (HCV) Program Housing Assistance Payments (HAP) Supplemental Funding. The supplemental HAP funding is available for PHAs that either (1) experience a significant increase in voucher PUC due to extraordinary circumstances, or (2)

despite taking reasonable cost saving measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding (also known as Shortfall Funds).

For PHAs applying under the second category, if the agency previously applied for Shortfall Funds under the calendar year (CY) 2020 HAP renewal set-aside (PIH Notice 2020- 04), the agency does not have to resubmit a Shortfall Funds application under this notice. However, PHAs that have not submitted applications for Shortfall Funds as July 31, 2020 must do so in accordance with the requirements of PIH Notice 2020-17, and not under the PIH Notice 2020-04. PHAs that submitted an application for shortfall funds under 2020-04 are eligible to re-apply.

Under PIH Notice 2020-04, through July 15, 2020 HUD accepted applications for the following HAP set-aside categories:

- Portability,
- Unforeseen Circumstances,
- Project Based Vouchers,
- Disasters, and
- Lower than Average Leasing

Please note that HUD is still accepting Veteran Affairs Supportive Housing (HUD-VASH) set-aside applications through October 1st, 2020. Please see PIH Notice 2020-04 for more information on how to apply.

EU47. Did HUD offset excess HAP program reserves for reallocation in CY 2020 to increase the national proration or for Shortfall Prevention purposes?

A. No. The Office of Housing Voucher Programs did not offset HAP program reserves to increase the national proration or for shortfall prevention in CY 2020.

EU48. Can we provide the food to program participants in the form of vouchers that can be redeemed in a supermarket using CARES Act Administrative Fees?

A. No, this is not a permissible use of CARES Act Administrative Fees. [PIH Notice 2020-08](#) provides for “Costs associated with the delivery of goods, including food and medical supplies that comply with the Centers for Disease Control (CDC) requirements, to program participants.”

EU49. Can CARES act administrative fee funding be used at all properties with Rental Assistance Contracts through HUD, including at PBRA properties, or only those with PBV?

A. The CARES Act funding awarded under the HCV Program is for COVID-19 eligible expenses that affects the HCV program, including PBV units. The Office of Multifamily Housing will provide CARES Act funding for PBRA eligible expenses.

EU50. Childcare costs for impacted staff was identified as an eligible CARES Act expense; are reimbursements for these costs limited to licensed childcare centers only? Or is any childcare service provider eligible?

A. The PHAs should use their discretion as to whether or not childcare expenses are approvable. PHAs should maintain the appropriate level of supporting documentation to support the reimbursement for the expense. [PIH Notice 2020-08](#) allows for costs that would not have otherwise been incurred (e.g., children are at home due to school closings, PHA staff are working outside of regular work schedules). All expenses should be auditable and reasonable.

EU51. Can PHAs use CARES Act HCV Administrative fees for a landlord incentive program that provides a recoupable incentive payment if the landlord terminates the HAP contract after one year? If so, what happens with the recouped funds after the end of the period of availability?

A. PHAs can have flexibility to structure landlord incentive payments in different ways to encourage owner participation and retention. Any funds remaining after the end of the period of availability will be recaptured by HUD.

EU52. For PHAs with 6/30 and 9/30 fiscal year-ends, how should PHAs account for administrative fee funds received under the CARES Act that haven't been spent as of the Fiscal Year End? Are these deferred revenues for administrative fees?

A. Due to the restrictions imposed on both the HCV and Mainstream Supplemental administrative fees, the supplemental fees cannot be recognized as revenue until the fees have an associated eligible expense associated with them. Therefore, when HUD disbursed the administrative fees to PHAs, the funds should have been accounted for as restricted cash and unearned revenue.

When recognized as revenue (i.e., the supplemental administrative fee is associated with an incurred eligible cost), the PHA will reclassify these funds and report them as revenue (FDS line 70600 HUD PHA Operating Grants).

If the PHA does not use supplemental administrative fees prior to the period of performance ending (currently 6/30/2021), the fees are to be returned to HUD unless that timeframe is extended. If the funds are returned to HUD, the PHA should not report the remittance as an expense as the fees were never recognized as revenue by the PHA. The return of the funds to HUD would be reflected as a balance sheet only transaction.

6.7 Housing Choice Voucher Financial Reporting

EU53. Where do we find the Per Unit Cost (PUC) amount that was used to calculate our 2020 funding?

A. The PHA's calendar year (CY) 2020 housing assistance payment (HAP) renewal PUC is located in the 2020 HCV renewal Enclosure A, line 29, described as CY 2020 Inflated Per Unit

Cost. However, Moving To Work (MTW) PHAs have distinct funding enclosures and can contact their FMC Financial Analyst for confirmation or questions.

EU54. If we use the CARES Act HCV Administrative fee funds first for all HCV administrative expenses, how will this affect our Unrestricted Net Position (UNP) reporting in HUD's Voucher Management System (VMS)? Will we lose Administrative Fees if we have too much in UNP by using the CARES Act funds?

A. VMS reporting for UNP does not change. HUD will continue funding regular administrative fees based on leased units reported in VMS as of the first of the month. PHAs will not lose administrative fees or accumulated UNP for using the CARES Act supplemental funds first. However, if PHAs do not spend their CARES Act Administrative Fees by December 31, 2021 (unless extended by PIH notice), the funds will be recaptured.

EU55. My PHA's highest PUC was in May 2020, however it has decreased since then. Can we use this PUC on our application for CARES Act HAP funding?

A. If the PHA is applying for CARES Act HAP funding, the PHA is responsible for providing HUD with its most recent PUC data. If the PHA does not provide its most current PUC data, HUD will use the most recent month of validated VMS data to determine the PHA's supplemental HAP award.

EU56. HUD has advised that CARES Act funding is not to be held in a PHA's Restricted Net Position (RNP) balance. Does this mean that any unspent CARES Act funding needs to be reported in deferred revenue until expended or is it considered Unrestricted Net Position with the rest of the Administrative Fee Reserves?

A. Due to the restrictions imposed on both the CARES Act HCV and Mainstream supplemental administrative fees, the supplemental fees cannot be recognized as revenue until the fees have an eligible expense associated with them. Therefore, when HUD disburses the administrative fees to PHAs, the funds should be accounted for as Restricted Cash and Unearned Revenue. For amounts that are to be returned to HUD, the amount should be reclassified from Financial Data Schedule (FDS) line Unearned Revenue to FDS line Accounts payable – HUD PHA programs.

7.0 Grant Administration (Resident Opportunity for Self Sufficiency (ROSS), Family Self-Sufficiency (FSS), Choice Neighborhoods) (GA)

GA1. If a PHA has not established a policy for working remotely, and a Service Coordinator requests to work from home, may he/she work from home?

A. A Service Coordinator should follow the human resources plan for its PHA as well as any guidance or mandate from state or local health departments.

GA2. If Service Grant personnel are required by their properties, state, or local governments to work from home, may he/she work from home?

A. There are no provisions in HUD supportive services grants that prohibit a Service Coordinator/Coach/Case Manager from making him/herself available remotely on an interim basis. Personnel must follow their agency or locality's directives. In order to minimize disruption in case management, Service Coordinators may want to make their contact information available in a variety of ways:

- The PHA's home page
- The PHA's resident services page
- The PHA's Facebook and/or Twitter accounts
- An out-of-office message on your office phone with your telephone/email contact information
- An out-of-office email message with your phone number
- A resident hotline if your PHA has one
- Rent statements
- Texting/emailing clients for whom you already have contact information
- Other methods your PHA is using to communicate with residents during this time

GA3. If permissible, how can Service Coordinators continue to serve residents effectively if they are working remotely?

A. Much of the work of Service Coordinators or Support Services Staff can be done remotely. We encourage you to use technology such as the following, inasmuch as they are available to you and your residents:

- Phones
- Text
- Email
- Web-based and Smart Phone-based Videoconferencing (e.g., Zoom, Skype, FaceTime)

See also Virtual/remote case management/casework – facts sheet on key considerations:

<https://aspe.hhs.gov/virtual-case-management-human-services-programs>
<https://tinyurl.com/remotecasemgmt>

See additional tips/best practices garnered from other sites in GA2.

GA4. Our PHA is struggling. What if we have to lay off our Family Self-Sufficiency (FSS) Coordinator?

A. In the case of FSS Coordinators, grants funds remaining due to not having paid a coordinator for a period of time would be recaptured at the end of the grant term. Up to ten percent of the grant funds not used for salaries during this time may be used for training and administrative costs, upon request and with approval from the local field office.

GA5. Are Choice Neighborhoods Closings still taking place?

A. Choice Neighborhoods closings are still taking place. Choice Staff and the Office of the General Counsel staff are all working remotely, and closings are continuing. We urge you to make advanced arrangements with the Field Office for any documents that they must sign and notarize.

GA6. Due to required social distancing, our Choice Grant Team is unable to convene partners, residents and local citizens, nor conduct group and door to door outreach which supports our Annual Survey, Transformation, Critical Community Plan development, and overall resident engagement. May we have an extension?

A. Yes. The Choice Neighborhoods Program is willing to adjust deadlines for most deliverables. Implementation Grant terms may not be extended by statute. Please contact your HUD Team Coordinator for more information.

GA7. Our Data Report is due soon. Will Choice Neighborhoods extend the time we have to submit our data?

A. Yes. Please work with you Team Coordinator.

GA8. How do we handle documents requiring review and approval such as Budget Revision, Endowment Trust Proposal, People Plan, and the CCI Plan?

A. Choice Neighborhoods staff are working remotely and have established electronic mechanisms to support the review and approval of all documents. Please send documents as you usually do to your Team Coordinator.

GA9. How will HUD deal with ongoing reporting related to FSS and ROSS grants? The effects of the economy will likely have negative effects on PHA performance which could, under the current structure, have an effect on the scoring of the grant applications in subsequent years.

A. For FSS, reporting consists of at least one report each year in PIC (entrance, progress or exit) – at any point in the year. The FSS NOFA uses a participant count from the Calendar Year prior as the “target period.” In FY20, PIH will be looking at performance from CY19. PIC reports with effective dates through 12/31/19 were due by 1/31/20 and are not affected by COVID-19. At this point, we do not expect that COVID-19 will have any impact on eligibility/scoring for the next round of FSS funding.

For ROSS, reporting is due once a year. Since ROSS is a three-year grant, HUD understands that this crisis may have an impact on grantees’ ability to achieve their goals during the duration of the crisis. HUD may make allowances for this in future NOFAs by allowing applicants to explain lower than anticipated performance through the narrative portion of their application.

GA10. Is a Family Self-Sufficiency (FSS) participant who is furloughed considered employed for FSS graduation purposes?

A. Yes. A participant who is “furloughed” (still employed, on a non-pay status, but will return to work once the situation is over) is still considered employed for FSS graduation purposes. A person who has been “laid off” (even if they expect/hope to return to the job) is considered unemployed for FSS graduation purposes.

GA11. I have a Family Self-Sufficiency (FSS) program participant who is at the end of their two-year Contract of Participation (CoP) extension. Can I use the waiver described in PH and HCV-6 from [PIH Notice 2020-33 REV-2](#) to extend their CoP for longer than 7 years?

A. No. The authority made available under the CARES Act and implemented through [PIH Notice 2020-33, REV-2](#) only allows you to consider COVID-19 as “good cause” in granting the normal extension (up to 2 years). The CARES Act did not provide HUD the authority to offer a blanket waiver to 24 CFR 984.303(d), which states that extensions may be up to 2 years. If a PHA has a participant who is nearing the end of the second year of extension and, except for COVID-19, would meet the requirements for graduation, please follow the standard process to request a waiver through the HUD field office, which then submits a recommendation to HUD Headquarters (HQ), as described in [PIH Notice 2018-16](#).