



North Carolina  
Department of Administration  
Commission of Indian Affairs

Machelle Sanders  
Secretary

Gregory A. Richardson  
Executive Director

June 05, 2020

The Department of Housing and Urban Development has authorized all public housing authorities to implement certain waivers from its normal requirements without prior HUD approval (PIH Notice 2020-05, **SUBJECT:** COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program).

Be it resolved by the NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS Housing Authority that due to the COVID-19 emergency, it has chosen to implement the following waivers all of which were implemented on March 26, 2020. They are being ratified by the Board of Commissioners on June 05, 2020. Any HUD extension of the dates mentioned below shall be automatically approved by the Housing Authority without further Board action.

The waivers selected are based on the NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS Housing Authority's local situation. The descriptions of the specific waivers below are summaries. The PHA shall fully understand and comply with the waivers as described in the HUD Notice in all their particularities.

The Executive Director is hereby delegated the express authority to nullify any waiver and end this modification of the procedures and/or policies at such time as the Executive Director determines appropriate. Also, the Executive Director may choose to not take advantage of any of these waivers at the Executive Director's sole discretion.

## **PUBLIC HOUSING AND HOUSING CHOICE VOUCHERS**

### **PH and HCV-1: PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements**

**Agency Plans** – The PHA hereby adopts the authority granted by HUD to delay submission of its agency plan **according to the dates provided in the HUD notice.**

**Significant Amendments** – The PHA adopts the waiver of the significant amendment process until July 31, 2020.

### **PH and HCV-2: Family Income and Composition: Delayed Annual Examinations**

The PHA is hereby taking advantage of the waiver that delays annual reexaminations of HCV families. However the PHA will follow the requirement regarding an increase in the payment standard contained in HCV-7.

All annual recertifications due in calendar year 2020 will be completed by December 31, 2020.

### **PH and HCV-3: Family Income and Composition: Annual Examination - Income Verification requirements**

The PHA will take advantage of the HUD waiver that allows the PHA to not follow the income hierarchy of PIH Notice 2018-18. The PHA will consider resident and participant self-certification as the highest form of income verification for exams done prior to July 31, 2020. The self-certification may occur over the telephone extemporaneously documented by the PHA's staff, or via email or regular mail.

If the PHA later determines that there are material discrepancies in a self-certification, the PHA will take the appropriate enforcement actions according to the PHA's policy.

### **PH and HCV-4: Family Income and Composition: Interim Examinations**

The requirements for annual examinations stated above in PH and HCV-3 also apply to interim examinations conducted before July 31, 2020.

### **PH and HCV-5: Enterprise Income Verification (EIV) Monitoring**

The Housing Authority is taking advantage of HUD's waiver of requirements to not monitor the PHA's EIV reports prior to July 31, 2020.

### **PH and HCV-7: Waiting List: Opening and Closing; Public Notice**

HUD provides a waiver for requirements of reopening the PHA's waiting list. The PHA will accept this waiver if the PHA opens their closed waiting list prior to July 31, 2020. In accepting this waiver the PHA agrees to the communications requirements stated in the Notice.

## **HOUSING QUALITY STANDARDS**

### **HQS-1: Initial Inspection Requirements**

The Housing Authority is accepting HUD's waiver of initial inspections not being required prior to the beginning of the initial lease term. Instead, the PHA will accept an owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units. The PHA reserves the right to add other requirements or conditions to this owner certification. In any event, the PHA will conduct an HQS inspection of all units as soon as reasonably practical, but no later than October 31, 2020. This waiver is applicable until July 31, 2020.

### **HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option**

The PHA is utilizing the option provided by HUD to approve HAP contracts and begin making housing assistance payments on a unit that fails initial HQS inspection providing the failure is solely for non-life threatening deficiencies. This option is available for both tenant-based and project-based units. The owner shall be given 60 days instead of the normal 30 days to repair any non-life threatening deficiencies. The ability to extend for 60 days ends on July 31, 2020.

### **HQS-4: HOS Initial Inspection Requirement – Alternative Inspection Option**

HOTMA authorized housing authorities to allow a unit to be occupied prior to the initial inspection if the unit has passed an alternative inspection as allowed in the Administrative Plan within the previous 24 months. The housing authority had to inspect the unit within 15 days of the RFTA. HUD is waiving the 15-day inspection requirement and allowing just the alternative inspection to

suffice so long as the owner certifies that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit. The PHA may add additional requirements or conditions. In any event, the initial HQS inspection must be conducted no later than October 31, 2020. This option is available for both tenant-based and project-based units. This waiver is valid until July 31 2020.

#### **HQS-5: HOS Inspection Requirement – Biennial Inspections**

Inspections must be made every other year or every third year depending upon the housing authority and the PHA's Administrative Plan. HUD is waiving these inspection periods so long as the inspections are completed as soon as reasonably possible, but no later than October 31, 2020.

#### **HQS-6: HOS Interim Inspections**

Interim inspections requested prior to July 31, 2020 do not have to follow the normal regulatory timeframes. Instead they must be made as soon as feasible. As a condition of this change the PHA is required to notify the owner of a reported life threatening deficiency. The owner must either correct the life threatening deficiency within 24 hours or provide adequate documentation that the reported deficiency does not exist. In the case of non-life threatening deficiencies the owner must make the repair or document that the deficiency does not exist within 30 days or any approved extension that the PHA makes. The PHA is not required to conduct an on-site inspection to verify the repairs have been made, but may rely on an alternative verification method such as photographs or tenant certifications.

#### **HQS-9: HOS Quality Control Inspections**

The requirement for PHAs to conduct supervisory quality control inspections of a sample of units under contract is waived until October 31, 2020.

#### **HQS-10: Housing quality standards: Space and Security**

The regulation establishes a minimum standard for adequate space for assisted families. It requires at least one bedroom or living/sleeping room for each 2 persons. For people continuing to live in the same unit who need to add a person or persons to their lease because of the COVID-19 emergency, the minimum space requirement is waived. This does not apply to an initial or new lease. This waiver is in effect for the duration of the current lease term or through April 10, 2021, whichever period of time is longer.

## **HOUSING CHOICE VOUCHER PROGRAM**

### **HCV-1: Administrative Plan**

HUD is waiving the requirement that all changes to the Administrative Plan be approved by the Board of Commissioners prior to adoption. Instead, the Board must approve revisions as soon as practical, but no later than July 31, 2020.

### **HCV-2: Information When Family is Selected - PHA Oral Briefing**

HUD requires that all families participating in the HCV or PBV program should be given an oral briefing prior to admission. This requirement is being waived and, as a substitute, HUD will allow things like webcasts, video calls, or expanded information packets as substitutes. Section 504 and the ADA requirements remain. This waiver expires on July 31, 2020.

### **HCV-3: Term of Voucher – Extensions of Term**

HUD is waiving the requirement for voucher extensions to be according to the Administrative Plan. Instead, HUD is allowing the PHA to extend the term of vouchers according to the needs of the PHA's community. This authority expires on July 31, 2020.

### **HCV-4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed**

HUD is waiving the requirement that a HAP contract be executed within 60 days of the beginning of the lease and extending that term to 120 days from the beginning of the lease. This waiver expires July 31, 2020.

### **HCV-5: Absence from Unit**

The regulation requires that a family not be absent from a unit for more than 180 consecutive calendar days for any reason. Due to the COVID-19 emergency, this is being waived in the case of extenuating circumstances (e.g. hospitalizations, extended stays at nursing homes, caring for family members). This waiver expires on December 31, 2020.

#### **HCV-6: Automatic Termination of HAP contract**

A HAP contract is typically terminated 180 days after the last HAP payment to the owner. This waiver removes the 180-day limit and substitutes a time set by the PHA. This waiver expires on December 31, 2020.

#### **HCV-7: Increase in payment standard under HAP contract term**

The regulation requires that if the payment standard amount increases during a HAP contract, the new payment standard shall be effective on a family's first reexamination on or after the increase in the payment standard. HUD is waiving this requirement and allowing the PHA to apply the increased payment standard at any time after the effective date of the new payment standard, provided that the increased payment standard is used no later than the effective date of the family's first regular reexamination following the change.

If the PHA adopted the waiver in PH and HCV-2 the PHA must use the increased payment standard beginning on the date of the family's first regular examination that would have been effective in the absence of the waiver. Alternatively, the PHA can conduct an interim reexamination where the only change is the increased payment standard amount. This waiver expires December 31, 2020.

#### **HCV-8: Utility allowance schedule – required review and revision**

This waives the requirement to revise the PHA's utility allowance if there's been a change of 10% or more in a utility rate. This waiver expires December 31, 2020.

#### **HCV-10: Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract**

This waiver allows FUP participants to be placed under a HAP contract who have not reached the age of 26 instead of the age of 25. This waiver expires December 31, 2020.