



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

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COVID-19 Policy and Procedures Guidance for Section 8 HCV Local Administrators

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Background

New York State Homes and Community Renewal (“HCR”) is offering the following guidance to its Section 8 Housing Choice Voucher (“HCV”) Local Administrators (“LAs”) in response to inquiries regarding the spread of the coronavirus (COVID-19) in New York.

The information provided here is subject to change based on any future guidance or regulations issued by an appropriate federal, state or local entity, including the U.S. Department of Housing Urban Development (“HUD”), the State Department of Health, the Center for Disease Control, etc. All LAs should closely monitor the HUD website for COVID-19 at:

https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources

At this time, HCR intends to maintain continuous HCV program operations across the State and to ensure that all Section 8 participants and landlords, including vulnerable populations, have access to the essential services necessary for voucher administration. In doing so, we will need to provide sufficient flexibility for our LAs to continue their work while protecting their employees, their clients, and the communities they serve. Each LA should adopt procedures for working remotely and limiting personal contact based on its own, unique circumstances. Those working for municipal government entities are encouraged to observe the guidance issued from the Secretary to the Governor on March 16 re: “Non-essential Employee Guidance in Response to COVID-19 Emergency.”

Any waiver from previously established policies and procedures, including the HCR Administrative Plan, must be noted in each file accordingly. LAs are encouraged to provide suggestions for additional flexibility, including requesting waivers or amendments. We will evaluate each request individually and issue additional guidance to the LA network as necessary. LAs should monitor the HCR website regularly for updates to this document and for other important information, as the guidance posted here is **SUBJECT TO CHANGE**.

HCR is revising its guidance issued on March 16, March 31 and April 20 pursuant to **HUD PIH Notice 2020-05**. Please note the changes highlighted below to implement waiver authority

granted by HUD in response to the COVID-19 pandemic. At this time, HCR is only implementing HUD waivers in the areas listed here. Waivers contained within HUD's guidance but not listed here are not being implemented by HCR at this time.

1. HQS Inspections (REVISED 7.13.20)*

- a. **Initial Inspections** – At this time, HCR is only permitting emergency inspections necessary for health and safety issues for all units (TBVs and PBVs) and for vacant units at the LA's discretion. For occupied units, in order to place the unit under HAP contract and commence making payments, the LA may rely on the owner's certification that they are not aware of any life-threatening conditions in the unit(s) or on the property. The LA shall collect a signed certification form from an authorized representative of the property prior to executing a HAP contract. The prescribed form is attached to this guidance. Additionally, for properties built prior to 1978 where the family includes children under the age of 6, the LA shall also require that the owner submit digital photographs of windows, doors and other friction surfaces. If the LA determines that the photographs demonstrate the presence of lead hazards, they shall require remediation prior to move-in. The period of availability for LAs to accept an owner's self-certification for an initial inspection ends on **December 31, 2020**. The LA must conduct an HQS inspection on the unit as soon as reasonably possible, but no later than 1 year from the date of the owner's certification.
- b. **Quality Control Inspections (REVISED 7.13.20)**– The regulation 24 CFR 982.405(b) requires supervisory quality control inspections of a sampling of units under contract. HCR is offering a temporary waiver to this regulatory requirement until **December 31, 2020**.
- c. **Interim Inspections (REVISED 7.13.20)** – HCR is waiving the requirement for a physical interim inspection (i.e., upon notification from the family or government official) and establishing an alternative requirement for both tenant-based and PBV units. If the family or a government official reports a life-threatening deficiency, the LA must notify the owner immediately of their obligation to either correct the deficiency within 24 hours of notification or provide documentation (e.g., text/video/email a photo to the LA) that the reported deficiency does not exist or has been repaired. In the case of a reported non-life-threatening deficiency, the LA must notify the owner of the reported deficiency within 30 days of receipt of the notice, and the owner must either make the repair or document that the deficiency does not exist within 30 days of the notification or any approved extension. As is the case under the current HCV program requirements, the LA is not required to conduct an on-site inspection to verify the repairs have been made but may rely on alternative verification methods (e.g., photos submitted by the owner, tenant certification, etc.). The period of availability ends on **December 31, 2020**. After December 31, 2020, the LA must conduct future HQS inspections in accordance with existing requirements upon notification by a family or government official that the assisted unit does not comply with the HQS.

- d. **Inspections for PBV Turnover Unit under Contract or Addition/Substitution of Units under Contract (REVISED 7.13.20)** – Follow the same protocol as Initial Inspections as indicated above.
- e. **Homeownership Option – Initial HQS Inspection (NEW 7.13.20)** – HCR is waiving the requirement for an initial inspection for homeownership vouchers. The family is still required to obtain an independent professional inspector in accordance with § 982.631(b)(1) and the LA is still required to review the independent inspection. The LA retains discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report in accordance with § 982.631(b)(4).

****Each LA maintains the right to conduct any HQS inspection (i.e., initial, annual, emergency, special) on any assisted unit at any time during the waiver period. These waivers do not relieve owners of their responsibility to maintain the unit in accordance with HQS as required in the HAP contract, nor does it in any way restrict the LA from taking action to enforce the owner’s obligations. Furthermore, use of any of these waivers by the LA does not create any right in any third party (such as with the assisted family) to require enforcement of the HQS requirements by HUD, HCR or the LA, or to assert any claim against HUD, HCR or the LA for damages, injunction or other relief, for alleged failure to enforce the HQS (see § 982.407).***

If inspecting a unit and where feasible, LA’s should seek to arrange for the inspection of units while vacant. Otherwise, inspectors should follow social distancing protocol, to the greatest possible extent, by maintaining a distance of at least 6 feet from others, should practice preventive hygiene practices and follow all applicable federal and/or state requirements to accomplish the same. For more information on preventive hygiene practices, visit <https://www.health.ny.gov/publications/13067.pdf> and <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

2. **In person meetings/briefings (Revised 4.20.20)** - LAs are strongly encouraged to work and communicate remotely where possible. LAs may utilize a combination of phone, mail and email (as appropriate) in place of in-person visits for annual, interim, zero income recertifications, and briefings. Per updated HUD guidance, HCR will also accept alternative means such as a webcast, video call, or expanded information packets. LAs should ensure that participants have some avenue to ask questions following the briefing.
3. **Terminations** – HCR is temporarily suspending all terminations of voucher subsidies until further notice; however the LA has the final decision on terminations.

4. **Voucher Extensions** – Until further notice, LAs should automatically extend all expiring vouchers for families who are currently seeking housing for a minimum of 60 days.
5. **Absence from Unit (NEW 4.20.20)** – Regulations require that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HCR is waiving the regulatory requirement at 24 CFR 982.312 to allow the LA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members). The period of availability for the LA to choose to continue making HAP payments despite the family’s absence of more than 180 consecutive days ends on **December 31, 2020**. The LA may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit.
6. **Interim Recertifications (NEW 4.20.20)** – LAs should be accessible to Section 8 families who have experienced a loss of income and provide timely recertifications. HCR has elected to implement HUD’s waiver allowing PHAs to forgo third-party income verification requirements for **interim reexaminations only**, including the required use of EIV. During the allowable period of eligibility, LAs may consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone (with a contemporaneous written record by the PHA staff person), through an email with a self-certification form by the family, or through other electronic communications. The period of availability ends on **December 31, 2020**.
7. **Opening of an LA Waiting List (NEW 4.20.20)** – HCR is waiving the public notice requirements to open a waiting and is providing an alternative requirement. An LA that wishes to open their waiting list may request approval from HCR to implement an alternative communication strategy for public notice. This may include providing public notice in a voicemail message on its main or general information telephone number, posting a notice its website, notifications to local media and service providers, etc. The LA must comply with all applicable fair housing and other civil rights requirements, including ensuring effective communication with persons with hearing, visual, and other communication-related disabilities. The period of availability ends on **December 31, 2020**.
1. **Hearings (REVISED 7.13.20)** – LAs shall resume all hearings effective immediately. **However, if a hearing determination results in termination of participation in the program, please refer to guidance on terminations found on page 3.**
2. **Payments** – HCR is committed to ensuring that all Housing Assistance Payments continue to be made in a timely manner. After transmitting, LAs should email both Joan Sydiongco (Joan.Sydiongco@its.ny.gov) and Mimi Ryan (Mimi.Ryan@its.ny.gov), then wait to receive confirmation that their EOM submission was successfully received and processed. LAs are strongly encouraged to transmit your EOM information as soon as possible to accommodate the State Treasury Department’s ability to generate check payments to

landlords. We have received confirmation that stop requests can still be submitted for both ACH and check payments post-transmission.

3. **Family Self-Sufficiency (FSS) (NEW 4.20.20)** – Section 984.303(d) authorizes a PHA to extend a family’s contract of participation for a period not to exceed two years upon a finding of good cause. Pursuant to the authority provided under HUD PIH Notice 2020-05, HUD has made a determination that the circumstances surrounding COVID-19 qualify as “good cause” to extend family contracts. HCR has elected to adopt HUD’s definition of “good cause” for each family’s eligibility for an extension. The period of availability during which the LA may extend the family’s contract of participation using COVID-19 as the “good cause” ends on **December 31, 2020**.

Additional FSS Guidance below:

FSS COVID-19 Related Updates

What this means:

If you have a participant that comes to the end of the initial 5-year COP before December 31, 2020 and is not able to graduate due to COVID, you may consider COVID as “good cause” in granting the normal extension (up to 2 years.) You have this authority until December 31, 2020.

What this means for FSS families that have maximized their use of extensions:

HUD does not yet have the authority to offer a blanket waiver to 24 CFR 984.304(d) which is the regulation that states that extensions may be up to 2 years. Unless/Until that happens, if you have a participant who is coming up to the end of the second year of extension (in other words, has run out of time) **and EXCEPT FOR COVID would meet the requirements for graduation**, please follow the standard waiver process to request a waiver to 24 CFR 984.304(d).

LAs should submit any such waiver requests to the FSS Program Manager, Cheryl Johnson via email at Cheryl.Johnson@nyshcr.org. Each request will be reviewed internally to determine if a waiver will be requested from HUD. Any waiver request will be submitted by HCR. The contract cannot be extended until approval is granted by HUD. The SHCVS software does not allow for extensions of the end date beyond 7 years. You will be provided directions on how to extend these cases in SHCVS at the time you receive an approval from HCR.

Here is a sample FSS waiver request you should send to HCR:

LA COUNTY NAME requests a waiver of FSS Regulation 24 CFR 984.304(d) For ***FSS PARTICIPANT NAME AND LOG#***. This FSS participant is nearing the end of two years of extension on their Contract of Participation. They would have met the graduation requirements if not for COVID-19. ***LA COUNTY NAME*** requests the ability to add an additional one-year extension to this participant’s Contract of Participation.

HUD FSS clarification:

1. Unemployment benefits do not count as “earned income” and should not be counted toward escrow earnings.
2. 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 purposes. A person who has been LAID OFF (even if they expect/hope to return to the job) is considered UNEMPLOYED for FSS purposes.