

COVID-19 Housing Choice Voucher Program Regulatory Waivers Adopted

On July 2, 2020, HUD published [PIH Notice 2020-13 \(HA\), REV-1](#), which provided additional waivers and alternative requirements, extended the periods of availability for previously established waivers and alternative requirements. Below is a list of the Waivers that were previously adopted by Montana Housing and lists the “new” availability period end dates for these waivers. The prior waivers were issued on April 10, 2020. The U.S. Department of Housing and Urban Development (HUD) issued PIH Notice 2020-05, providing guidance to Public Housing Authorities (PHAs) in response to the Covid-19 national emergency. This PIH Notice allows PHAs to establish alternative requirements for several statutory and regulatory requirements. Below are the alternative requirements hereby adopted by the Montana Department of Commerce’s (MDOC) Housing Choice Voucher (HCV) Program. All alternatives are adopted effective April 13, 2020 and will end July 31, 2020 unless an alternative availability period is noted below. MDOC is adopting the following statutory and/or regulatory waivers:

- ***Annual Reexamination and Income Verification***

Participants will be required to submit a signed Tenant Information Form (TIF) as verification of income when the participant or applicant cannot obtain third-party verification or when it is difficult to securely obtain information from the EIV system.

 - Availability Period Ends—7/31/2020
 - Extension Period Ends—12/31/2020
- ***Interim Reexaminations***

Participants will be required to submit a signed TIF as verification of income when the participant or applicant cannot obtain third-party verification or when it is difficult to securely obtain information from the EIV system.

 - Availability Period Ends—7/31/2020
 - Extension Period Ends—12/31/2020
- ***Family Self-Sufficiency Contract of Participation***

MDOC will extend a family’s contract of participation for a period not to exceed two years upon a finding of good cause. Good cause is defined as circumstances surrounding Covid-19 on a family-by-family basis.

 - Availability Period Ends – 12/31/2020
- ***Initial Inspection***

MDOC will require an owner certification for all initial inspections stating that the owner has no reasonable basis to have knowledge of life-threatening conditions in the unit. The period of availability for MDOC to accept the owner’s self-certification ends 7/31/2020. MDOC will then inspect the unit after as soon as it is safe but no later than 10/31/2020. **Updated: The availability period ends on 12/31/2020 - The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible, but no later than one-year from the owner’s certification date.**
- ***Non-Life Threatening HQS – Initial Unit Approval***

MDOC will approve an assisted tenancy, execute the HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit’s failure is a result only of non-life-threatening conditions. MDOC will provide an extension of up to an additional 30 days (60 days total) for the owner to make the non-life-threatening repairs and continue to make payments to the owner during this extension period. If the owner has not made the repairs after this extension period MDOC will withhold HAP payments.

- Availability Period Ends – 12/31/2020
- **Alternative Inspections**

MDOC will authorize the occupancy of a unit prior to the initial inspection being completed if the unit had passed an alternative inspection within the previous 24 months. Alternative inspection includes, but is not limited to, inspections conducted by Housing Tax Credits, HOME Investment Partnerships Program, and Housing Trust Fund. MDOC will then conduct an HQS inspection as soon as reasonably possible, but no later than October 31, 2020. **Updated: The availability period ends on 12/31/2020 - The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible, but no later than one-year from the owner's certification date.**
- **Biennial Inspections**

MDOC will be delaying biennial inspections for both tenant-based units and PBV units. **Updated: All delayed biennial inspections must be completed as soon as possible but no later than one-year after the date the biennial inspection would have been required prior to the waiver.**

 - Availability Period Ends – 10/31/2020
 - Extension Period Ends – 12/31/2020
- **Interim Inspections**

MDOC will notify owners of the need to do an inspection on the unit within 24 hours (if life-threatening deficiencies are noted) or within 30 days (for non-life-threatening deficiencies) on the assisted units. In the event of life-threatening deficiencies, the owner must correct the life-threatening deficiency within 24 hours of notification and provide documentation. In the event of non-life-threatening deficiencies, the owner must correct the deficiency within 30 days and either make the repair or document that the deficiency does not exist within 30 days of notification or any approved extension. Owners will be required to certify and submit documentation (e.g., photo of the corrected deficiency, invoice of deficiency correction). MDOC will conduct a follow-up inspection on the unit after 7/31/2020 to confirm the deficiency has been corrected. **Updated: The period of availability ends on 12/31/2020 - After 12/31/2020, the PHA must conduct a re-inspection as required prior to the waivers.**

 - Availability Period Ends – 7/31/2020
 - Extension Period Ends – 12/31/2020
- **PBV Turnover Inspections**

MDOC will require an owner certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question to allow a new family to occupy the vacated PBV unit. The period of availability for MDOC to accept owner's self-certification ends 7/31/2020. MDOC will inspect the unit as soon as it is safe but no later than 10/31/2020. **Updated: The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible, but no later than one-year from the owner's certification date. The period of availability ends on 12/31/2020.**
- **PBV HAP Contract, HQS Inspections to Add or Substitute Units**

MDOC may amend the HAP Contract to add additional PBV contract units or to substitute a different unit for a previously contracted unit. MDOC will require an owner certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. The period of availability for MDOC to accept owner's self-certification ends 7/31/2020. MDOC will inspect the unit as soon as it is safe but no later than 10/31/2020. **Updated: The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible, but no later than one-year from the owner's certification date. The period of availability ends on 12/31/2020.**
- **HQS Quality Control Inspections**

MDOC will begin conducting Quality Control supervisory inspections after 10/31/2020.

- Availability Period Ends – 10/31/2020
- Extension Period Ends – 12/31/2020

- ***HQS Space and Security***

MDOC will allow a current household to add a member or members to the assisted household as a result of the Covid-19 emergency, even if the additional family members would result in the unit not meeting the space and security standards.

- Availability Period Ends – Remains in effect for the duration of the current lease term or one year from July 2, 2020 (Date of PIH Notice, whichever period of time is longer)

- ***Homeownership HQS***

MDOC will start monthly homeownership assistance payments once the family provides an independent inspection from an independent professional inspection in accordance with §982.631(b)(1). Once reviewed, MDOC will use its discretion to approve or disapprove the unit for assistance under the homeownership option.

- Extension Period Ends – 12/31/2020

- ***Administrative Plan***

MDOC is operating under a temporary status as allowed under PIH Notice 2020-05. MDOC will not be amending the Administrative Plan to reflect these adopted statutory and/or regulatory on a permanent basis. **Updated: Period of availability to informally adopt changes to the PHA administrative plan ends on 9/30/2020; the PHA must formally adopt such revisions no later than 12/31/2020.**

- ***PHA Oral Briefing***

MDOC will conduct briefings by alternative methods, which include, but are not limited to webcast, video call, or expanded information packet. MDOC will ensure that the method of communication for the briefing effectively communicates with, and allows for equal participation of, each family member, including those with vision, hearing, and other communication-related disabilities, and ensure meaningful access for persons with limited English proficiency. **Updated: The period of availability ends on 12/31/2020.**

- ***Term of Voucher – Extension of Termination***

MDOC is providing extensions to all vouchers issued from March 16, 2020 to 7/31/2020. The vouchers are extended according to the number of days they have been outstanding. Vouchers outstanding 90-120 days are extended 30 additional days; vouchers outstanding 60-89 days are extended an additional 30 days; vouchers outstanding 30-59 days are extended an additional 60 days; voucher outstanding 1-29 days are extended an additional 90 days. MDOC will provide all voucher holders that meet this requirement a letter explaining their extension as it relates to the Covid-19 national emergency. **Updated: The period of availability ends on 12/31/2020.**

- ***PHA Approval of Assisted Tenancy***

MDOC will work closely with owners to execute the HAP contracts as quickly as possible. All HAP contracts executed no less than 120 days from the signed lease will receive the entire HAP payment.

- Availability Period Ends – 7/31/2020
- Extension Period Ends – 12/31/2020

- ***Absence from Unit***

MDOC will use 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) as related to the Covid-19 national emergency.

- Availability Period Ends – 12/31/2020

- ***Automatic Termination of the HAP Contract***

MDOC will extend HAP contracts where families may on a temporary basis be adding members whose additional income that may result in a \$0 HAP subsidy calculation. MDOC will provide written notice to the owner and family extending the period following the last payment to the owner that triggers the automatic termination of the HAP contract. MDOC will determine the extension beyond the 180 days on a case-by-case basis but will not extend beyond 12/31/2020.

- Availability Period Ends – 12/31/2020