**Example Charts for Tracking Public Housing and HCV CARES Act Waivers and Alternative Requirements**

The following charts summarize the waivers authorized under [PIH Notice 2020-05](https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-05.pdf) and the availability period for each. These charts are for reference only and no information is being collected. An agency may not collect information, and you are not required to complete any form, unless it displays a currently valid Office of Management and Budget (OMB) control number. HUD is currently seeking approval from OMB, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et. seq, for a form if and when it determines it will collect this information from PHAs.

**Public Housing Authorities (PHAs)**: As stated in Section 5 of the notice, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may (but are not required to) utilize the last two columns to record this information. Refer back to the Notice using the item code for a full description and more detailed information.

| **Item** | **Statutory and regulatory waivers** | **Summary of alternative requirements** | **Availability Period Ends** | **Did PHA implement waiver and alternative requirement?** | **Date of PHA adoption** |
| --- | --- | --- | --- | --- | --- |
| PH and HCV-1PHA 5-Year and Annual Plan | Statutory Authority Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)Regulatory Authority § 903.5(a)(3), 903.5(b)(3), 903.21 | * Alternative dates for submission
* Changes to significant amendment process
 | * Varies based on FYE
* 7/31/20
 |  |  |
| PH and HCV-2Family income and composition – delayed annual reexaminations | Statutory AuthoritySection 3(a)(1)Regulatory Authority§ 982.516(a)(1), § 960.257(a)  | * Permits the PHA to delay the annual reexamination of income and family composition
* HCV PHAs must implement HCV-7 for impacted families if they implement this waiver
 | * 12/31/20
 |  |  |
| PH and HCV-3Annual reexaminationIncome Verification | Regulatory Authority § 5.233(a)(2)Sub-regulatory Guidance PIH Notice 2018-18 | * Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification
* PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later
 | * 7/31/20
 |  |  |
| PH and HCV-4Interim reexaminations  | Statutory Authority Section 3(a)(1)Regulatory Authority § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d)Sub-regulatory GuidancePIH Notice 2018-18 | * Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations
 | * 7/31/20
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| PH and HCV-5EIV System Monitoring | Regulatory Authority§ 5.233Sub-regulatory GuidancePIH Notice 2018-18 | * Waives the mandatory EIV monitoring requirements.
 | * 7/31/20
 |  |  |
| PH and HCV-6FSS Contract of Participation | Regulatory Authority§ 984.303(d)  | * Provides for extensions to FSS contract of participation
 | * 12/31/20
 |  |  |
| PH and HCV-7 Waiting List | Regulatory Authority§ 982.206(a)(2) PIH Notice 2012-34 | * Waives public notice requirements for opening and closing waiting list
* Requires alternative process
 | * 7/31/20
 |  |  |
| HQS-1Initial inspection | Statutory Authority Section 8(o)(8)(A)(i), Section 8(o)(8)(C)Regulatory Authority § 982.305(a), 982.305(b), 982.405 | * Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies
* Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.
 | * 7/31/20
* 10/31/20
 |  |  |
| HQS-2: PBV Pre-HAP Contract Inspections, PHA acceptance of completed units | Statutory Authority: Section 8(o)(8)(A) Regulatory Authority: §§ 983.301(b), 983.156(a)(1) | * Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies
* Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.
 | * 7/31/20
* 10/31/20
 |  |  |
| HQS-3Non-Life Threatening HQS - Initial Unit Approval | Statutory Authority Section 8(o)(8)(A)(ii)Regulatory Authority HOTMA HCV Federal Register Notice January 18, 2017 | * Allows for extension of up to 30 days for owner repairs of non-life threatening conditions
 | * 7/31/20
 |  |  |
| HQS-4Initial HQS -Alternative Inspections | Statutory Authority Section 8(o)(8)(A)(iii)Regulatory AuthorityHOTMA HCV Federal Register Notice January 18, 2017 | * Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies
* Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.
 | * 7/31/20
* 10/31/20
 |  |  |
| HQS-5Biennial Inspections  | Statutory AuthoritySection 8(o)(D)Regulatory Authority§§ 982.405(a), 983.103(d) | * Allows for delay in biennial inspections
* All delayed biennial inspections must be completed as soon as reasonably possible but by no later than October 31, 2020.
 | * 10/31/20
 |  |  |
| HQS-6Interim Inspections | Statutory AuthoritySection 8(o)(8)(F)Regulatory Authority §§ 982.405(g), § 983.103(e) | * Waives the requirement for the PHA to conduct interim inspection and requires alternative method
* Allows for repairs to be verified by alternative methods
 | * 7/31/20
 |  |  |
| HQS-7PBV Turnover Inspections | Regulatory Authority § 983.103(c) | * Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies
* Allows for delayed full HQS inspection
 | * 7/31/20
* 10/31/20
 |  |  |
| HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units  | Statutory Authority Section 8(o)(8)(A) Regulatory Authority §§ 983.207(a), 983.207(b)  | * Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies
* Allows for delayed full HQS inspection
 | * 7/31/20
* 10/31/20
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| HQS-9HQS QC Inspections | Regulatory Authority§ 982.405(b)  | * Provides for a suspension of the requirement for QC sampling inspections
 | * 10/31/20
 |  |  |
| HQS--10HQS Space and Security | Regulatory Authority§ 982.401(d) | * Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.
 | Remains in effect one year from lease term or date of notice, whichever is longer |  |  |
| HQS-11Homeownership HQS | Statutory AuthoritySection 8(o)(8)(A)(i), Section 8(y)(3)(B)Regulatory Authority§ 982.631(a) | * Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments
* Requires family to obtain independent professional inspection
 | * 7/31/20
 |  |  |
| HCV-1 Administrative Plan  | Regulatory Authority§ 982.54 (a) | * Waives the requirement to adopt revisions to the admin plan
 | * 7/31/20
 |  |  |
| HCV-2PHA Oral Briefing | Regulatory Authority§ 982.301(a)(3)§ 983.252(a) | * Waives the requirement for an oral briefing
* Provides for alternative methods to conduct required voucher briefing
 | * 7/31/20
 |  |  |
| HCV-3Term of Voucher -Extensions of Term | Regulatory Authority§ 982.303(b)(1) | * Allows PHAs to provide voucher extensions regardless of current PHA policy
 | * 7/31/20
 |  |  |
| HCV-4PHA Approval of Assisted Tenancy | Regulatory Authority§ 982.305(c) | * Provides for HAP payments for contracts not executed within 60 days
* PHA must not pay HAP to owner until HAP contract is executed
 | * 7/31/20
 |  |  |
| HCV-5Absence from unit | Regulatory Authority§ 982.312 | * Allows for PHA discretion on absences from units longer than 180 days
* PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days
 | * 12/31/20
 |  |  |
| HCV-6Automatic Termination of the HAP Contract | Regulatory Authority§ 982.455 | * Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.
 | * 12/31/20
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| HCV-7Increase in Payment Standard | Regulatory Authority§ 982.505(c)(4) | * Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination to do so.
 | * 12/31/20
 |  |  |
| HCV-8Utility Allowance Schedule | Regulatory Authority§ 982.517 | * Provides for delay in updating utility allowance schedule
 | * 12/31/20
 |  |  |
| HCV-9Homeownership Counseling | Statutory AuthoritySection 8(y)(1)(D)Regulatory Authority§ 982.630, 982.636(d) | * Waives the requirement for the family to obtain pre-assistance counseling
 | * 7/31/20
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| HCV-10FUP | Statutory AuthoritySection 8(x)(2) | * Allows PHAs to increase age to 26 for foster youth initial lease up
 | * 12/31/20
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| PH-1Fiscal closeout of Capital Grant Funds | Regulatory Authority § 905.322(b)  | * Extension of deadlines for ADCC and AMCC
 | Varies by PHA |  |  |
| PH-2Total Development Costs | Regulatory Authority§ 905.314(c) | * Waives the TDC and HCC limits permitting approval of amounts in excess of published TDC by 25% to 50% on a case by case basis
 | Applies to development proposals submitted to HUD no later than December 31, 2021 |  |  |
| PH-3Cost limitations | Regulatory Authority§ 905.314(j)  | * Allows for the use of force account labor for modernization activities in certain circumstances
 | * 12/31/20
 |  |  |
| PH-4 ACOP | Regulatory Authority§ 960.202(c)(1) | * Changes to approval process for ACOP
 | * 7/31/20
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| PH-5CSSR | Statutory AuthoritySection 12(c)Regulatory Authority§ 960.603(a) and 960.603(b) | * Temporarily suspends CSSR
 | * 3/31/21
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| PH-6Energy Audits | Regulatory Authority§ 965.302 | * Allows for delay in due dates of energy audits
 | One year beyond 2020 audit deadline |  |  |
| PH-7Over-income families | Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490Notice: Notice PIH 2019-11 | * Changes to timeframes for determination of over-income
 | * 12/31/20
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| PH-8Resident Council Elections | Regulatory Authority § 964.130(a)(1) | * Provides for delay in resident council elections
 | * 7/31/20
 |  |  |
| PH-9Utility Allowance | Regulatory Authority§ 965.507 | * Provides for delay in updating utility allowance schedule
 | * 12/31/20
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| PH-10Tenant notifications | Regulatory Authority§ 966.5 | * Advance notice not required except for policies related to tenant charges
 | * 7/31/20
 |  |  |
| 11aPHAS | Regulatory Authority24 CFR Part 902  | * Allows for alternatives related to inspections
* PHA to retain prior year PHAS score unless requests otherwise
 | HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21 | N/A | N/A |
| 11bSEMAP | Regulatory Authority24 CFR Part 985 | * PHA to retain prior year SEMAP score unless requests otherwise
 | HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21 | N/A | N/A |
| 11cFinancial reporting | Regulatory Authority§§ 5.801(c), 5.801(d)(1) | * Allows for extensions of financial reporting deadlines
 | Varies by PHA FYE |  |  |
| 12a Form HUD 50058 | Regulatory Authority24 CFR Part 908, § 982.158Sub-regulatory GuidancePIH Notice 2011-65 | * Waives the requirement to submit 50058 within 60 days
* Alternative requirement to submit within 90 days of the effective date of action
 | * 12/31/20
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| 12b Designated housing plan | Statutory AuthoritySection 7(e)(1) | * Allows for HUD to delay notification about designated housing plan
 | * 7/31/20
 | N/A | N/A |
| 12c Deadline for reporting Operating and Capital Fund expenditures | Statutory AuthoritySection 9(j)Regulatory Authority§ 905.306(d)(5) | * Provides a one-year extension
 | One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc |  |  |

**Attachment: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements**

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| COVID-19 Statutory and Regulatory Waivers for ONAP programs |
| Item | Statutory and Regulatory Waivers | Waiver/Alternative Requirement Summary  |
| 13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements | Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDARegulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218;1000.220; 1000.224; 1000.226; 1000.228;1000.230; and 1000.232 | 1. *Abbreviated IHP to Receive IHBG-CARES Grant Funding:* Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.
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| 1. *Recipients that did Not Submit an IHP in FY2020:* A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.
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| 1. *IHP Certifications:* IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.
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| 1. *Reprogramming of FY2020 IHBG Funding:* FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.
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| 13b. IHP Submission Deadline for Annual IHBG Formula Grants | Statutory Authority:  Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225 | IHP Submission Deadlines Extended  | Org. IHP Due Date | Extension |
| 1/17/2020 | 10/16/2020 |
| 4/17/2020 | 10/16/2020 |
| 13c.Annual Performance Report Submission Deadline | Statutory Authority:  Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514 | APR Submission Deadlines Extended  | Org. APR Due Date | Extension |
| 3/30/2020 | 6/28/2020 |
| 6/29/2020 | 9/27/2020 |
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| 13d. Income Verification | Regulatory Authority: 24 CFR § 1000.128 | IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email. |
| 13e. Public Health Services  | Statutory Authority: Section 202(3) of NAHASDA | Recipients may use IHBG-CARES funding to carry out a wide range of public health services.  |
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| 13f. COVID-19-related Assistance to Non-Low Income and Non-Native Families | Statutory Authority:  Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, , 1000.318 | Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status. |
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| 13g. Useful Life | Statutory Authority:  Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147 | If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life. |
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| 13h. Total Development Cost (TDC) Limits | Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162 | Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.  |
| 13i. Prohibition Against Investment of CARES Act Grant Funds | Statutory Authority:  Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58 | Recipients are prohibited from investing any IHBG funding provided under the CARES Act.  |
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| 14a. Citizen Participation | Statutory Authority: Section 104 of the Housing and Community Development Act of 1974 (HCD Act)Regulatory Authority: 24 CFR § 1003.604 | Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. . |
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| 14b. Application Process for ICDBG-CARES Grants and Funding CriteriaRegulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY19/20 ICDBG Notice of Funding Availability (NOFA) | *1) Criteria for Funding:* With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed. |
| *2) Grant Ceilings:* Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future. |
|  *3) Reimbursement of Costs and Letter to Proceed:* ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP. |
| *4) Availability of Funds:* If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs. |
| 14c. Removal of Public Services 15% Cap under FY 2020 ICDBG Grants | Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA | HUD is eliminating the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act.  |
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| 14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance | Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)  | ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.  |
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| 14e. Purchase of Equipment | Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii) | Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the COVID-19.  |
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| 14f. Operating Expenses for Public Facilities | Regulatory Authority: 24 CFR § 1003.207(b)(2) | Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.  |
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| 14g. New Housing Construction by Tribes | Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3) | ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.  |
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