



**To:** Gatekeepers  
**From:** Homeless Services Section Staff  
**Date:** 5/6/2020

**Please distribute to:**  Executive Directors    Fiscal Staff    Homeless Services Program Staff  
 Rental Assistance Program Staff

**Category:** Program Informational

**Update For:** HTBA COVID Waivers and Regulations

**Message:**

We've received additional guidance from HUD for using HOME TBA during the COVID-19 pandemic. HUD has provided HOME recipients (OHCS) with a number of regulation and rule waivers. HUD is making every effort to provide immediate rental assistance to households seeking housing and assisting households that have housing but face reduced or lost wages, and assisting existing TBRA families that need additional assistance due to reduced or lost wages.

Below are descriptions of the waivers. All waivers are in effect as of May 1, 2020. They all end December 31, 2020. After that date you can continue working with your customers, but the waivers will have ended and you'll need to follow standard HOME TBA procedures.

Your agency can determine which waivers you want to use. They are all available. Any waiver your agency chooses to use must be applied to all qualifying HOME TBA applicants. In the near future, we'll send your agency a check-off list so you can tell us the waivers your agency will use.

The waivers apply only to households affected financially by COVID-19. The exception is that the waivers of HQS inspections are for all housing units.

Households' anticipated income must meet or be under the 50% AMI income threshold.

The waivers are:

Income Qualification

- Waives the requirement for source documentation of income for households that have lost employment or income either permanently or temporarily due to COVID-19. The tenant must provide a self-certification of HH size and include a statement of how their HH financial estimation of the HH's annual income. Self-certifications must be signed and must include a statement that the information is complete and accurate. Income includes unemployment compensation and emergency benefits but does not include stimulus payments.
- The waiver also applies to all homeless individuals and families who are applying for HTBA rental assistance.

- Self-certification documentation must be kept in the client file.
- The subgrantee must conduct on-site rent and income reviews within 90 days after the waiver period ends.

#### Initial HQS Inspection

- Waives the requirement that units pass an HQS inspection before HOME TBA assistance can be used.
- Subgrantee must establish a procedure describing steps the subgrantee will take to minimize any risks to the tenant.
- Subgrantee must prepare a procedure for conducting physical inspections. All waived initial inspections must be completed within 120 days after December 31, 2020.
- All lead-based paint activities must be completed as required.

#### Annual HQS Inspections

- Waives the requirement that unit HQS inspections will be performed annually. After the waiver period, subgrantees must inspect units that would have been subject to HQS inspections during the waiver period. Inspections must be completed within 120 days after the waiver period ends.
- Subgrantees must make reasonable efforts to address any health and safety issues during the waiver period.

#### Tenant Selection and Targeted Assistance

- Waives the requirement that subgrantees adhere to their written tenant selection criteria for the purpose of assisting households requiring immediate help with housing as a result of the COVID-19 pandemic.
- Subgrantees must develop written guidelines describing the criteria they will use to determine the households to be served and the services they will provide.

#### Rent Reasonableness

- Waives the requirement of comparing the proposed unit's gross rent to unassisted unit rents to determine if the applicant's unit's rent is reasonable. The waiver will permit subgrantees to provide immediate rental assistance to households experiencing reduced or lost wages due to COVID-19.
- The requirement to use the FMR to determine the amount of the tenant payment does not change. A unit's gross rent can be greater than the FMR but the tenant will be required to pay any overage.

#### Utilities

- If a subgrantee is providing HOME TBA deposit and/or rent assistance to a household affected by COVID-19, (new or existing participant), the subgrantee may pay actual utility costs instead of using a utility allowance.
- If the subgrantee issues checks for payment of utility costs, the checks must be made payable to the utility company but can be either given to the tenant or mailed directly to the utility company. If payments are made electronically, they must be sent to the utility company.

#### Rent Subsidy

- If a subgrantee is providing HOME TBA deposit and/or rent assistance to a household affected by COVID-19, (new or existing participant), the subgrantee may pay 100% of the cost of the deposit, rent, and utility bills.

#### Term of Contract

- Waives the requirement that the HOME TBA Contract and the landlord's lease begin on the same day. Persons affected by COVID-19 who are already in housing will have an existing lease. This waiver allows the existing lease to remain in effect during the time the household receives HOME TBA assistance. The term of the HOME TBA Contract must end on or before December 31, 2020.
- The requirement that landlord leases and HOME TBA contracts are executed before any assistance can be provided is not waived.

#### Tenant Protections in the Lease

- Waives the requirement that a tenant assisted with HOME TBA have a lease in which any prohibited lease terms have been stricken. This waiver applies only to tenants who were housed prior to receiving HOME TBA assistance and have been affected economically by COVID-19.
- VAWA requirements are not waived. Subgrantees must continue requiring a VAWA lease addendum.

#### **For More Information Contact:**

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