



525 SOUTH LAWRENCE STREET  
MONTGOMERY, ALABAMA 36104-4611  
PHONE: (334)-206-7200 – FAX: (334)-206-7222 – WEBSITE: MHA TODAY.ORG

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DAMON E. DUNCAN  
EXECUTIVE DIRECTOR

JOHN F. KNIGHT, JR.  
CHAIRMAN

## **CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY ACT (CARES Act)**

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (or “CARES Act”). The CARES Act grants the Secretary of the U.S. Department of Housing and Urban Development (“HUD”) broad authority to implement waivers to certain housing statutes and regulations during the novel coronavirus (Covid-19) pandemic.

On April 10, 2020, HUD issued Public and Indian Housing Notice 2020-05 (the “Notice”), which describes certain waivers intended to allow public housing authorities to safely continue operations and provide vital housing services during the pandemic. Public housing authorities are authorized to adopt the waivers “immediately” and approval by HUD, or the authority’s governing body, is not required.

This Statement constitutes a description of the waivers and other temporary policy changes authorized by the Notice that Montgomery Housing Authority (MHA) will adopt in relation to its Housing Choice Voucher Program (“HCVP”) during the Covid-19 pandemic. To the extent that any waiver or temporary policy change conflicts with any provisions or statements contained in MHA’s HCVP Administrative Plan (the “Admin Plan”) or any other existing written MHA policy (a “Policy” or “Policies”), this Statement also constitutes a temporary addendum to such documents. If any waiver adopted in this Statement contradicts or conflicts with any term of the Admin Plan or other Policy, then the policies described herein will govern for as long as such policy is observed by MHA, notwithstanding any provision of the Admin Plan or other Policy to the contrary.

Following is a description of each waiver or temporary policy change which MHA will adopt. All references to “Housing Quality Standards” or “HQS” in this Statement shall also be construed to include the phrase “Uniform Physical Condition Standards for Vouchers” or “UPCS-V.” The effective date of each waiver adopted in this Statement shall be construed as the earliest possible effective date permitted by the Notice and by applicable law, unless an alternative effective date is explicitly identified. Further, this Statement shall be construed as MHA’s election to adopt and observe each waiver or policy change for the maximum time period permitted by the Notice and applicable law, unless another timeframe is explicitly identified herein. If MHA will adopt an alternative procedure for any HCVP requirement waived by the Notice, then the alternative procedure will be described in this Statement. The waivers adopted in this Statement may not be exhaustive and MHA reserves the right, in accordance with the Notice and applicable law, to revise the scope of these waivers or to adopt additional waivers at any time.

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**Waiver HCV-1: Revisions to Admin Plan.** MHA adopts Waiver “HCV-1.” For as long as this waiver is in effect, MHA may temporarily adopt changes to its Admin Plan without approval by MHA’s Board of Commissioners. Any changes intended to have effect beyond June 30, 2020 will require formal approval by MHA’s Board on or before July 31, 2020.

**2. Waiver HCV-2: Oral Briefing.** MHA adopts Waiver “HCV-2.” For as long as this waiver is in effect, MHA will conduct limited in-person oral briefings for new families selected for participation in MHA’s HCVP or PBV program. In lieu of the oral briefing, MHA may convey the same information disclosed in the briefing electronically by video or conference call, or by an expanded written briefing packet.

**3. Waiver HCV-3: Extension of Initial Voucher Term.** MHA adopts Waiver “HCV-3.” For as long as this waiver is in effect, MHA will grant an additional 60-day extension to the initial 120- day voucher term upon request by any HCVP participant. MHA reserves the right to grant further extensions on a case-by-case basis. To the extent that this waiver contradicts MHA’s Admin Plan or other Policy, such Admin Plan or Policy is hereby amended for as long as this waiver is in effect.

**4. Waiver HCV-4: When HAP Contract is Executed.** MHA adopts Waiver “HCV-4.” For as long as this waiver is in effect, MHA may execute a new HAP contract up to 120 days after the beginning of the term of the lease between the HCVP participant and unit owner. Further, MHA may issue retroactive housing assistance payments as if such HAP contract was executed on the first day of such lease term.

**5. Waiver HCV-6: Automatic Termination of HAP Contract.** MHA adopts Waiver “HCV-6” in part. MHA will continue to terminate a participant’s HAP contract if the participant’s income has increased to such a degree that MHA’s housing assistance payment for the assisted tenancy equals \$0 for a period exceeding 180 days. However, MHA may, on a case-by-case basis, waive this requirement for families whose income has so increased due to the addition of family members as a result of the Covid-19 pandemic. Any such waiver shall not extend beyond December 31, 2020, upon which such HAP contract will terminate, pending further guidance from HUD.

**6. Waiver PH and HCV-3: Annual Examinations: Income Verification Requirements.** MHA adopts Waiver “PH and HCV-3” in part. For any *annual* examination required by 24 C.F.R. § 982.516(a)(1) while this waiver is in effect, MHA will continue to require the use of third-party verifications of an HCVP family’s employment or income information, including the Enterprise Income Verification (“EIV”) system. However, upon the participant’s request to waive such requirement due to the unavailability of third-party documentation, MHA may, on a case-by-case basis, agree to accept a participant’s self-certification as sufficient verification of a participant’s employment and income information. The required self-certification form is attached to this Statement. Participants who offer self-certification in lieu of third-party verification are cautioned that MHA reserves the right to take legal action if information in the self-certification is later contradicted by future third-party verification.

**7. Waiver PH and HCV-4: Interim Examinations.** MHA adopts Waiver “PH and HCV- 4” in part. For any *interim* examination required by 24 C.F.R. § 960.257(b) while this waiver is in effect, MHA will continue to require the use of third-party verifications of an HCVP family’s employment or income information, including the Enterprise Income Verification (“EIV”) system. However, upon the participant’s request to waive such requirement due to the unavailability of third-party documentation, MHA may, on a case-by-case basis, agree to accept a participant’s self-certification as sufficient verification of a participant’s employment and income information. The required self-certification form is attached to this Statement. Participants who offer self-certification in lieu of

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third-party verification are cautioned that MHA reserves the right to take legal action if information in the self-certification is later contradicted by future third-party verification.

**8. Waiver PH and HCV-5: EIV Monitoring.** MHA adopts Waiver “PH and HCV-5.” For as long as this waiver is in effect, MHA will suspend the required monitoring of EIV reports.

**9. Waiver PH and HCV-6: FSS Contract of Participation.** MHA adopts Waiver “PH and HCV-6.” MHA may, in its discretion, construe the Covid-19 pandemic as “good cause” when considering a participant’s request to extend the participant’s Family Self-Sufficiency Contract for up to an additional two years.

**10. Waiver PH and HCV-7: PBV Waiting Lists.** MHA adopts Waiver “PH and HCV-6” in part. For as long as this waiver is in effect, MHA will not be required to publish notice of opening or closing any waitlist maintained exclusively for a Project-Based Voucher (PBV) community. MHA reserves the right to observe the alternative procedures provided by the Notice in relation to such PBV waitlists. MHA *does not* adopt this waiver as to its other waitlists, including MHA’s public housing or general HCVP waitlists.

**11. Waiver HQS-1: Initial UPCS-V Inspections for TBVs.** MHA adopts Waiver “HQS- 1” in part. By default, MHA will require an initial in-person UPCS-V inspection of every housing unit before permitting Housing Assistance Payments to be issued in relation to such unit. However, MHA may, in its discretion, agree to accept a unit owner’s written certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. Such certification shall be in lieu of the in-person initial inspection. Unit owners are advised that if self-certification is accepted in lieu of inspection, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**12. Waiver HQS-2: Initial UPCS-V Inspections for PBVs.** MHA adopts Waiver “HQS- 2” in part. By default, MHA will require an initial in-person UPCS-V inspection of every Project- Based Voucher unit before permitting Housing Assistance Payments to be issued in relation to such unit. However, MHA may, in its discretion, agree to accept a unit owner’s written certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. Such certification shall be in lieu of the in-person initial inspection. Unit owners are advised that if self-certification is accepted in lieu of inspection, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**13. Waiver HQS-3: Failure of initial UPCS-V inspection for TBVs and PBVs.** MHA adopts Waiver “HQS-3” in part. MHA will continue to require that any deficiencies revealed in an initial UPCS-V inspection (other than life-threatening deficiencies) be corrected within 30 calendar days of inspection. However, MHA may, on a case-by-case basis, elect to expand the required time period to correct such deficiencies for up to an additional 30 days, for a maximum total of 60 days from the initial inspection. MHA may continue to issue regularly scheduled Housing Assistance Payments throughout the maximum 60-day cure period.

**14. Waiver HQS-4: Alternative inspections.** MHA adopts Waiver “HQS-4” in part. By default, MHA will continue to require an in-person initial UPCS-V inspection within 15 days of receipt of a Request for Tenancy Approval for a housing unit which passed an “alternative inspection” within the meaning of 42 U.S.C. § 1437f(o)(8)(E) within the previous 24 months. However, MHA may, in its discretion, agree to accept a unit owner’s written certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. Such certification shall be in lieu of the in-person initial inspection. Unit owners are

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advised that if self-certification is accepted in lieu of inspection, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**15. Waiver HQS-5: Biennial UPCS-V inspections for TBVs and PBVs.** MHA adopts Waiver “HQS-5.” MHA will defer all biennial UPCS-V inspections at all HCVP-assisted units which are scheduled while this waiver is in effect. Unit owners are advised that if a biennial inspection is deferred, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**16. Waiver HQS-6: Interim inspections.** MHA adopts Waiver “HQS-6.” If an HCVP participant or government agency requests an unscheduled UPCS-V inspection due to belief that an assisted unit does not meet applicable housing quality standards, MHA will accept alternative evidence from the unit owner that the identified deficiency or deficiencies have been corrected in lieu of an in-person interim inspection. For any identified deficiency which is life-threatening, such evidence must be provided to MHA within 24 hours of the time MHA notifies the unit owner of the deficiency. For any identified deficiency which is not life-threatening, such evidence must be provided to MHA within 30 days of the date MHA notifies the unit owner of such deficiency. Evidence sufficient to meet this requirement may include, but is not limited to, photographic or video graphic documents which indicate the deficiency has been corrected.

**17. Waiver HQS-7: Turnover UPCS-V Inspections for PBVs.** MHA adopts Waiver “HQS-7” in part. By default, MHA will require an in-person UPCS-V inspection of every previously-occupied Project-Based Voucher unit before permitting a new family to occupy such unit. However, MHA may, in its discretion, agree to accept a unit owner’s written certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit. Such certification shall be in lieu of the in-person turnover inspection. Unit owners are advised that if self-certification is accepted in lieu of inspection, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**18. Waiver HQS-8: UPCS-V Inspections to Add PBVs to Existing HAP Contract.** MHA adopts Waiver “HQS-8” in part. By default, MHA will require an in-person UPCS-V inspection of every Project-Based Voucher proposed as an addition or substitution to a Project-Based Voucher HAP contract prior to issuance of Housing Assistance Payments for such unit. However, MHA may, in its discretion, agree to accept a unit owner’s written certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in such a unit. Such certification shall be in lieu of the in-person inspection of such unit. Unit owners are advised that if self-certification is accepted in lieu of inspection, a “make-up” inspection on such unit will be conducted no later than October 31, 2020, pending further guidance from HUD.

**19. Waiver HQS-9: Quality Control.** MHA adopts Waiver “HQS-9.” For as long as this waiver is in effect, MHA will suspend quality-control monitoring of UPCS-V inspections.

**20. Waiver HQS-10: Standards Relating to Space and Security.** MHA adopts Waiver “HQS-10” in part. By default, MHA will continue to observe the requirement that each HCVP-assisted dwelling have at least one living/sleeping room for every two persons on the voucher. However, MHA may waive this requirement on a case-by-case basis upon a request from an existing HCVP participant if such waiver is necessary to add a member to the participant’s household as a result of the Covid-19 pandemic.

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**21. Deadline for applicants to confirm interest in HCVP.** In accordance with Waiver HCV-1, MHA will temporarily revise its Admin Plan and other Policies concerning the timeframe by which applicants to MHA's HCVP must confirm their interest in receiving a voucher after initial notification is received. Effective immediately and until further notice, any applicant to MHA's HCVP may respond to an initial notification that they have been selected from the waitlist at any time within 30 days after such notice is issued by mail. Once 30 calendar days has passed from the date such notice was mailed, MHA will attempt to contact the applicant by any other means disclosed in the application, including by phone and by email. An applicant will be removed from the waitlist only if they fail to contact MHA within an additional 15 calendar days after MHA attempts contact by alternative means.

**22. Deadline for submission of eligibility verification documents.** In accordance with Waiver HCV-1, MHA will temporarily revise its Admin Plan and other Policies concerning the timeframe by which applicants to MHA's HCVP must submit required documents verifying their eligibility for the program. Effective immediately and until further notice, all deadlines for the submission of such documents are suspended indefinitely. However, applicants attempting to compile and submit such documents must maintain contact with MHA. If an applicant fails to respond to MHA's written or verbal request for status updates regarding such documents within five (5) business days of such request, MHA reserves the right to presume the applicant is no longer seeking a voucher and may, in its discretion, remove such applicant from the waiting list.



Damon E. Duncan  
Executive Director, MHA

5/11/2020  
Date

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