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**STATEMENT of TEMPORARY PUBLIC HOUSING WAIVERS and POLICY CHANGES**

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 MHA will adopt in relation to its low-income public housing program 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 Admissions and Continued Occupancy Policy (“ACOP”) 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 ACOP 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 ACOP or other Policy to the contrary.

Following is a description of each waiver or temporary policy change which MHA will adopt. 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 public housing 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.

COMMISSIONERS: PAUL HANKINS, Vice-Chair	•	FRANK BROWN	•	ANGELA R. MOSLEY	•	ALFRED HOOD
	•	WILLIE DURHAM	•	RICHARD E. HANAN	•	RAY ROTON

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**1. Waiver PH and HCV-2: Delayed annual examinations.** MHA adopts Waiver “PH and HCV-2” and shall delay all annual examinations required by 24 C.F.R. § 960.257(a) for existing public housing tenants until further notice. No public housing resident whose annual examination is scheduled during the period this waiver is in effect will be held responsible for failure to attend the originally scheduled re-certification appointment. Tenants whose annual re-certifications are delayed are advised that they will be required to attend a make-up re-certification appointment on or before December 31, 2020, pending further guidance from HUD.

**2. Waiver PH and HCV-3: Annual Examinations: Income Verification Requirements.** MHA adopts Waiver “PH and HCV-3.” For any *annual* examination required by 24 C.F.R. § 960.257(a) while this waiver is in effect, MHA will not require the use of third-party verifications of a public housing family’s employment or income information, including the Enterprise Income Verification (“EIV”) system. Instead, MHA will accept a tenant’s self-certification as sufficient verification of a tenant’s employment and income information. The required self-certification form is attached to this Statement. Tenants who offer self-certification in lieu of third-party verification are cautioned that MHA reserves the right to take legal action if information the tenant’s self-certification is later contradicted by future third-party verification.

**3. Waiver PH and HCV-4: Interim Examinations.** MHA adopts Waiver “PH and HCV- 4.” For any *interim* examination required by 24 C.F.R. § 960.257(b) while this waiver is in effect, MHA will not require the use of third-party verifications of a public housing family’s employment or income information, including the Enterprise Income Verification (“EIV”) system. Instead, MHA will accept a tenant’s self-certification as sufficient verification of a tenant’s employment and income information. The required self-certification form is attached to this Statement. Tenants who offer self-certification in lieu of third-party verification are cautioned that MHA reserves the right to take legal action if information the tenant’s self-certification is later contradicted by future third-party verification.

**4. 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.

**5. 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.

**6. Waiver PH-4: Tenant Selection Policies.** MHA adopts Waiver “PH-4.” For as long as this waiver is in effect, MHA may temporarily adopt changes to the tenant selection policies described in its ACOP 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.

**7. Waiver PH-5: Community and Self-Sufficiency Requirement.** MHA adopts Waiver “PH-5.” MHA will suspend public housing families’ obligation both (i) to comply with the Community and Self-Sufficiency Requirement, and (ii) to report their compliance therewith to MHA, for as long as this waiver is in effect.

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8. **Waiver PH-6: Energy Audits.** MHA adopts Waiver “PH-6.” MHA will defer completion any energy audit which would normally be required during the effective timeframe of this waiver until one year after such audit was originally due.

9. **Waiver PH-7: Over-Income Tenants.** MHA adopts Waiver “PH-7.” While this waiver is in effect, any public housing family subject to lease termination due to being over-income for the public housing program will be permitted to remain in public housing, and to pay their current rental amount, until MHA conducts the next annual examination for such family.

10. **Waiver PH-10.** MHA adopts Waiver “PH-10.” For as long as this waiver is in effect, MHA will suspend the requirement that residents receive 30 days’ notice before any changes to public housing policies, rules, or special charges may take effect. MHA will endeavor to provide as much advance notice of any such changes as may be possible under the circumstances.

11. **Waiver PH-10.** MHA adopts Waiver “PH-10.” For as long as this waiver is in effect, MHA will suspend the requirement that residents receive 30 days’ notice before any changes to public housing policies, rules, or special charges may take effect. MHA will endeavor to provide as much advance notice of any such changes as may be possible under the circumstances.

12. **Interim re-examinations for increases in income.** In accordance with Waiver PH-4 and PH-10, MHA will temporarily revise its ACOP and other Policies concerning interim re-examinations. For as long as this policy is in effect, no public housing resident will suffer a legal or financial penalty for failure to timely request an interim re-examination to report an increase in income. Tenants are advised that once this policy is rescinded, MHA reserves the right to assess retroactive rent and other applicable charges resulting from such failure to timely report an increase in income.

13. **Interim re-examinations for decreases in income.** In accordance with Waiver PH-4 and PH-10, MHA will temporarily revise its ACOP and other Policies concerning interim re-examinations. Effectively immediately and until further notice, MHA public housing residents may request an interim re-certification to report a decrease in income at any time. Further, for as long as this policy is in effect, MHA will retroactively decrease a resident’s monthly rent as of the date such decrease in income took effect, irrespective of when such decrease in income was reported to MHA.

14. **Deadline for applicants to confirm interest in public housing.** In accordance with Waiver PH-4 and PH-10, MHA will temporarily revise its ACOP and other Policies concerning the timeframe by which applicants to MHA’s low-income public housing program must confirm their interest in seeking public housing after initial notification is received. Effective immediately and until further notice, any applicant to MHA’s public housing program 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.

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**15. Deadline for submission of eligibility verification documents.** In accordance with Waiver PH-4 and PH-10, MHA will temporarily revise its ACOP and other Policies concerning the timeframe by which applicants to MHA's low-income public housing program 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 interested in public housing, and may, in its discretion, remove such applicant from the waiting list.



Damon E. Duncan  
Executive Director, MH

5/11/2020

Date

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