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**The Council of Large Public Housing Authorities (“CLPHA”) would like to see all waivers from PIH 2020-33 that have not yet expired be extended through at least December 2021, except for the following, which HUD should consider making permanent:**

**The following are waivers of HUD regulation and/or HUD sub-regulatory guidance:**

- PH and HCV-3: Family Income and Composition: Annual Examination; Income Verification Requirements (waives §§ 5.233(a)(2), 960.259(c), 982.516(a), and Notice PIH 2018-18) - allows self-certification of income for annual reexaminations.

Self-certification of income for annual reexaminations has been very valuable for enabling remote operations during the pandemic. Our members report that the self-certification process has run smoothly but should HUD extend this waiver or make it permanent, we urge HUD to develop guidance of best practices for collecting income information virtually in a manner that minimizes risk of income discrepancies.

Although HUD cites waiver PH and HCV-3 as only waiving regulatory requirements and sub-regulatory guidance, we also request that HUD confirm that PH and HCV-3 does not require any waiver of statutory requirements, particularly given that similar waivers (PH and HCV-2 and PH and HCV-4) do require a statutory waiver.

- HCV-2: Alternative requirements for oral briefing (waives §§ 982.301(a)(1), 983.252(a)).

In our view, oral briefings held virtually were already permitted under 24 CFR § 982.301(a)(1), and some PHAs have been holding webcast or video briefings for years with great success. Some additional clarification on what constitutes an oral briefing would be useful, particularly if HUD does eventually allow the waiver to expire. We urge HUD to allow continued use of non-oral briefings through information packets during the pandemic and to clarify that PHAs do not require a waiver to hold a virtual oral briefing so long as the briefing medium includes an opportunity to ask questions, abides by limited English proficiency (LEP) considerations, and meets Americans with Disabilities Act (ADA) requirements.

- HCV-7: Increase in Payment Standard During HAP Contract Term (waives § 982.505(c)(4))

Because rent increases often do not align with a family’s annual reexamination schedule, families can find themselves severely cost-burdened due to an increase in rent that threatens their ability to purchase other household necessities, particularly in expensive rental markets where rent increases can be substantial. To avoid this scenario, PHAs should have the permanent flexibility to

be able to apply new payment standards at any time after the effective date of the rent increase rather than waiting for the next annual reexamination. This flexibility protects both the voucher holder and landlord by ensuring that voucher holders can pay their portion of the rent.

- PH-6: Energy Audits (waives § 965.302)

HUD energy audits require significant staff time and are often duplicative of other agency efforts to identify opportunities to increase energy conservation and reduce costs. For example, some MTW agencies waive the energy audit requirement in lieu of other conservation strategy efforts, both internally and through partnerships with local utility providers. We urge HUD to take this opportunity to reconsider the value of these audits and revise the energy audit timetable or possibly eliminate the requirement altogether if agencies can demonstrate engagement with other efforts in energy conservation.

**The following involve waivers of the 1937 Act and other statutory requirements (in addition to waivers of implementing HUD regulations and/or HUD sub-regulatory guidance). Therefore, additional legislation from Congress would be required to extend these waivers following the expiration of HUD's current statutory waiver authority derived from the CARES Act.**

- PH and HCV-4: Family Income and Composition: Interim Examinations (waives Section 3(a)(1), §§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c), Notice PIH 2018-18) – allows self-certification of income for interim reexaminations.

CLPHA members report that the ability to self-certify income for interim reexaminations has been critical for quickly processing interims, especially considering the volume of interim requests that many agencies have received as a result of pandemic-related job loss. Agencies have developed efficient and effective processes for conducting interims via telephone and email. As HUD is aware, the EIV system is of limited value, particularly for interim reexaminations, as it often contains outdated information. We urge HUD to consider providing PHAs with the permanent ability to determine what sources to use for third-party verification and use self-certification as appropriate, on the condition that they address discrepancies that arise as a result of using self-certification or other methods. Again, we also suggest accompanying any extension or permanency of this waiver with guidance on best practices for conducting virtual interim examinations.

- HQS-1-8: Allowing owner self-certification for initial and interim inspections for HCV and PBV units (waives various sections of the Act, regulations at §§ 982 and 983, and various sub-regulatory guidance)

HQS waivers that HUD has provided have been very widely implemented among CLPHA members and our members view them as an important tool for maintaining HCV operations as well as recruiting and retaining landlords. However, these waivers do not reduce the number of required

HQS inspections and agencies have accumulated significant inspection backlogs. Simply extending or making permanent these waivers is not sufficient; instead, we urge HUD to allow self-certification in lieu of an HQS inspection, waive the initial HQS until the first annual inspection, and waive the current backlog of inspections. Without significant additional resources, it is not realistic to expect large PHAs to conduct thousands of inspections if the HQS waivers are allowed to expire.

- HCV-10: FUP and FYI youth eligible up to age 26 (waives Section 8(x)(2)), HCV-11: Extending FUP length of assistance (waives Section 8(x)(2)), HCV-12: FUP length of referrals (waives Section 8(x)(2))

CLPHA members report that these additional FUP flexibilities have been useful for navigating service and referral challenges during the pandemic but would also be valuable as permanent flexibilities. HCV-10 expands the eligible population for FUP to age 26. While still an arbitrary cut-off point, allowing PHAs to provide FUP assistance to youth up to age 26 may help PHAs provide more FUP vouchers to foster youth. Permanently allowing a longer referral period through HCV-12 will also address the current disparity between the proportion of FUP vouchers going to families versus youth. Providing PHAs with the ability to extend the length of assistance through HCV-11 can also help ensure better outcomes for FUP participants once they leave the program and is consistent with the intent of the length of assistance provision in the Fostering Stable Housing Opportunities Act that was included in the FY21 appropriations and relief package.

- PH-5: Suspending community service requirement until next annual reexamination (waives Section 12(c), §§ 960.603(a) and 960.603(b))

Monitoring compliance with the CSSR requires significant staff time and PHAs should permanently have the option of waiving their requirement for their residents. The theory underlying the CSSR is not well supported by research and there is little, if any, evidence that the requirement achieves of its goals of promoting employment and self-sufficiency. Staff time would be better spent on programs designed to holistically address employment and self-sufficiency, such as the Family Self-Sufficiency Program and Jobs Plus.

- PH-13: Treatment of over-income families (waives Section 16(a) as amended by section 103 of HOTMA, Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490, Notice PIH 2019-11), and Implementation Notice: Housing Opportunity Through Modernization Act of 2016: Final Implementation of Public Housing Income Limit, 83 Fed. Reg. 35,490 (July 26, 2018))

In our recent comments in response to the notice entitled “Housing Opportunity Through Modernization Act of 2016: Re-Opening Public Comment Period on Subject of Over Income Families,” we urged HUD to provide PHAs with the maximum flexibility to manage the tenancies of over-income families. Consistent with this view, PH-13 should be made permanent so that PHAs can choose to allow OI families to remain in their unit and be charged the applicable FMR. As stated in those comments, permitting the continued occupancy of over-income families helps

maintain a sense of community and rewards self-sufficiency. OI tenancy helps promote income-mixing within a community, which is a goal in many HUD-assisted programs, including the Section 8 project-based voucher program. In addition, many of these families also live in expensive metropolitan areas where rents are some of the least affordable in the country and, despite their income level, would still struggle to find suitable housing in the private rental market.

- PH-11: Designated Housing Plan Renewals (waives Section 7(f))

The current renewal schedule for designated housing plans is entirely perfunctory. We encourage HUD to use this opportunity to eliminate the renewal requirement and effective periods altogether so that the plans remain approved indefinitely until such time that the PHA seeks revision or amendment.

- MS-1: Mainstream Initial Lease Term (waives Section 8(o)(7)(A) and § 982.309(a)(2)(ii)), MS-2: Mainstream Criminal Background Screening (waives 42 U.S.C. 13663(a), 42 U.S.C. 13661, §§ CFR 5.856, 982.553(a)), MS-3: Mainstream Age Eligibility to Enter HAP Contract Statutory Authority (waives 42 U.S.C. 8013(k)(2))

The Mainstream Voucher flexibilities provided in PIH 2020-33 have been valuable tools in responding to the pandemic and would be useful as permanent flexibilities to help increase utilization and expand equitable access to the Mainstream voucher program. CLPHA members report that existing criminal background screening has been especially challenging with Mainstream voucher participants and allowing a separate screening requirement has helped them to serve otherwise eligible applicants.

- Waiver 12c: Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds (waives Section 9(j), § 905.306(d)(5))

The current obligation and expenditure deadlines create challenges for PHAs in competitive rental markets, where it can be difficult to obtain reasonable bids and prevents PHAs from pooling funds for larger projects. We urge HUD to consider permanently extending the OED and EED for capital funds already received as well as future appropriations of capital funds.