

Date: June 30, 2020
To: Homeless Program Service Providers
From: Jeff Rodgers, Supervisor
Subject: Policy Waivers During the COVID Crisis

Due to the impact of the COVID-19 Pandemic, the following program requirements are being temporarily waived to allow greater flexibility in getting homeless households into safe housing and to promote housing stability once housed. If it is possible to meet the requirement without utilizing the allowance provided, continue to do so. Each allowance is available to be used for the time period listed under each requirement.

Policy Waivers for Housing Quality Standards, Regardless of Fund Source

1. Initial Physical Inspection of Unit

Regulation

The Pierce County Homeless Housing Policy and Procedures state that housing for which rental assistance or leasing funds are paid must meet HUD housing quality standards (HQS) under 24 CFR 982.401(j). Before any assistance will be provided on behalf of a program participant, the unit must pass an HQS Inspection. Assistance will not be provided for units that fail to meet HQS, unless the owner corrects any deficiencies within 30 days from the date of the initial inspection and the inspector verifies that all deficiencies have been corrected.

Allowance

For Continuum of Care (CoC), Emergency Solutions Grant (ESG) and Tacoma Housing Authority (THA) funded units, inspections are still required; however, Pierce County will only provide the inspection if the unit is vacant. Pierce County will work with the landlord/property manager to only have one person in the unit at a time for the inspection.

For all other fund sources (Document Recording Fee and Consolidated Homeless Grant sources) new/initial inspections have been waived and are postponed until further notice.

Documentation

Participant files must contain a copy of these policies along with case notes explaining why the unit was not able to be inspected by an HQS inspector prior to assistance being dispersed, as well as a case note documenting the day that the HQS inspection was requested.

2. Annual Inspection of Unit

Regulation

Pierce County requires a Housing Quality Standards (HQS) inspection of all units supported by leasing or rental assistance funding at least annually during the grant period to ensure the units continue to meet HQS.



Allowance

Annual inspections (units occupied) have been waived and inspections are postponed until further notice.

Documentation

Participant files must contain a copy of these policies along with case notes explaining why the unit was not able to be inspected by an HQS inspector.

Policy Waivers Applicable to Continuum of Care (CoC) awards

1. One Year Lease Requirement for Permanent Supportive Housing [24 CFR 578.3 and 24 CFR 578.51(l)(1)]

Regulation

The CoC interim rule requires that program participants residing Permanent Supportive Housing (PSH) be on the lease for the term of 1 year that is terminable for cause and renewable after one year.

Allowance

One-year leases for PSH enrolled program participants is not required from March 31, 2020 till September 30, 2020. Participants need to be on a lease that is renewable after the initial term, even when the term in month to month.

Documentation

The participant file must include a copy of these policies and a lease that has the participants name and is renewable.

2. Leasing and Fair Market Rent [24 CFR 578.49(b)(2)]

Regulation

When grants are used to pay rent for individual housing units, the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. In addition, the rents may not exceed rents currently being charged for comparable units, and the rent paid may not exceed HUD-determined fair market rents.

Allowance

Leasing dollars can be used to secure units that are over Fair Market Rent (FMR) but are determined to be Rent Reasonable. This is applicable to leases signed from March 31, 2020 to September 30, 2020. Units secured during this six-month period can be over FMR for the life of the lease.

Documentation

Participant files should include a statement illustrating why a unit within FMR was not able to be obtained for the participant. The file must also include a copy of this allowance.



3. Documentation of Disability for Permanent Supportive Housing [24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)]

Regulation

An individual or head of household's qualifying disability must be documented by one of the following:

- Written verification of the disability from a professional licensed by the state to diagnose and treat the disability and his or her certification that the disability is expected to be long-continuing or of indefinite duration and substantially impedes the individual's ability to live independently;
- Written verification from the Social Security Administration;
- The receipt of a disability check (e.g., Social Security Disability Insurance check or Veteran Disability Compensation);
- Intake staff-recorded observation of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence above; or
- Other documentation approved by HUD.

Further, acceptable evidence of a disability for an individual with HIV/AIDS would include written verification from a professional licensed by the state to diagnose and treat HIV/AIDS. There would not be an expectation that the licensed professional would also certify that the condition is expected to be of long-continuing or indefinite duration and substantially impede the individual's ability to live independently.

Allowance

Potential program participants may enter a Permanent Supportive Housing (PSH) project based on a staff recorded observation of a disability or, self- certification by the potential participant that they indeed have a qualifying chronic disability. The requirement that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance requirement is waived for any program participants admitted into PSH funded by the CoC Program from March 31, 2020, to September 30, 2020.

Documentation

The participant file must contain a copy of these policies along with justification for why the program participant was unable to obtain the typically required forms of documentation. The file should a case note with the case managers observation of qualifying disability or a self- certification from the program participant. Self- certification can be stated over the phone to the case manager then documented by the case manager.

4. Limit on Housing Search and Placement Costs [24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)]

Regulation

The CoC interim rule limits Housing Search and Counseling Services. Costs of assisting eligible program participants to locate, obtain, and retain suitable housing are eligible.

- i. Component services or activities are tenant counseling; assisting individuals and families to understand leases; securing utilities; and making moving arrangements.

- ii. Other eligible costs are:
 - A. Mediation with property owners and landlords on behalf of eligible program participants;
 - B. Credit counseling, accessing a free personal credit report, and resolving personal credit issues; and
 - C. The payment of rental application fees.

Allowance

Housing Search and Counseling Services will now allow for the costs of up to six months rental or utility arrears owed by the program participant to reduce barriers to permanent housing. This allowance is in effect till March 31, 2021.

Documentation

The participant file must have a copy of these policies along with the reason this allowance is being utilized for the participant. Documentation of paid bills must accompany the invoice when submitted for reimbursement.

5. Permanent Housing-Rapid Re-Housing Monthly Case Management [24 CFR 578.37(a)(1)(ii)(F)]

Regulation

The CoC Program interim rule requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

Allowance

The monthly meeting requirement is waived in cases where it is not possible for program participants to meet with a case manager via phone or internet. The meeting requirement is also waived in cases where subrecipients do not have enough staff available, to meet with clients monthly. This allowance will be permit till June 30, 2020.

Documentation

The participant file must contain a copy of these policies along with case notes documenting why the monthly meeting was unable to take place with the program participant.

Policy Waivers Applicable to Emergency Solutions Grant (ESG) awards

1. Housing Stability Case Management [24 CFR 576.401(e)]

Regulation

The ESG regulations require program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability, unless the Violence Against Women Act of 1994 or Family Violence Prevention and Services Act prohibits the recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.



Allowance

The monthly meeting requirement is waived in cases where it is not possible for program participants to meet with a case manager via phone or internet. The meeting requirement is also waived in cases where subrecipients do not have enough staff available, to meet with clients monthly. This allowance will be permitted till June 30, 2020.

Documentation

The participant file must contain a copy of these policies along with case notes documenting why the monthly meeting was unable to take place with the program participant.

2. Rental Assistance to Units with Rent at or Below Fair Market Rent [24 CFR 576.106(d)(1)]

Regulation

The ESG regulations require that assisted units must be below or equal to Fair Market Rent (FMR) and found to be Rent Reasonable.

Allowance

The FMR restriction is waived for any participant receiving Rapid Re-housing or Homelessness Prevention assistance who executes a lease for a unit between April 1, 2020 – September 30, 2020. The unit must still meet the rent reasonableness standard.

Documentation

Participant files should include a statement illustrating why a unit within FMR was not able to be obtained for the participant. The file must also include a copy of this allowance.

Policy Waivers Applicable to the Consolidated Homeless Grant (CHG) awards

1. Washington State Quality Award

Regulation

CHG funded agencies are required by law to comply with the request of the State Department of Commerce to participate in a Quality Assurance Audit.

Allowance

The requirement to comply with a Quality Assurance Inquiry has ended. Agencies who are currently involved in an assessment or in the queue to begin an assessment may proceed at the discretion of their own agency.

Documentation

None required.

2. Documentation of Housing Status [4.4, 9.6 Appendix F, Verification of Household Eligibility and Income Recertification Form]

Regulation

Subgrantees must verify, describe and document eligible housing status prior to program entry. Households entering emergency shelter are exempt from housing status requirements. The CHG Verification of Household Eligibility and Income Recertification Form and housing status documentation must be kept in the client file. Documentation must be dated within 30 days of program entry.



Allowance

Self-Declaration Form to collect a verbal statement is allowable for all housing status situations and a client's signature is not required.

Documentation

Include a case note of this circumstance on the Verification of Household Eligibility and Income Recertification Form. Example language for a note is: *self-declaration utilized due to COVID-19 response.*

3. Documentation of Income [4.6, Verification of Household Eligibility and Income Recertification Form]

Regulation

CHG funded projects must verify and document income eligibility prior to program entry. CHG Verification of Household Eligibility and Income Recertification Form, all allowable income documentation, and the CHG Income Eligibility Worksheet (or equivalent) must be kept in the client file. Documentation must be dated within 30 days. Adult household members that have no income are required to complete a CHG Self-Declaration Form.

Allowance

Projects may use a Self-Declaration Form to collect a verbal statement for income documentation and a client's signature is not required. If your agency has moved to phone or virtual appointments with clients and **is** collecting source documentation, it is allowable to do so through email or text. (Reminder that collecting income source documentation is not required.)

Documentation

Include a case note of circumstance on the Verification of Household Eligibility and Income Recertification Form as well. Example language for a note is: *self-declaration utilized due to COVID-19 response.*

Agencies should also have a protocol around storing and/or deleting information that may contain personal identifying information. This information should not be uploaded in HMIS or forwarded without a client consent or Release of Information from the client.

4. Eligibility Recertification [4.7 Verification of Household Eligibility and Income Recertification Form]

Regulation

Subgrantees must document recertification of household income eligibility at least every three months using the CHG Verification of Household Eligibility and Income Recertification Form. Income recertification is not required for Permanent Supportive Housing (PSH) and projects using PSH Chronically Homeless Families (CHF) funds.

Assistance for Housing and Essential Need (HEN) households: In place of income, recertification of the HEN Referral or General Assistance enrollment (Aging, Blind, Disabled, or ABD recipient) from the Department of Social and Health Services (DSHS) as documented in the Benefit Verification System (BVS) is required at least every three months and must be kept in the client file.

Allowance

CHG funded projects are not required to complete recertification at this time. Checking the BVS to determine HEN eligibility for recertification is not required.

Documentation

Include a case note of this circumstance on the Verification of Household Eligibility and Income Recertification Form.

5. Consent to Review Information in the Benefits Verification System [6.5.7]

Regulation

Programs may review confidential information in the BVS only after all adult household members have provided informed consent as documented using the form DSHS 14-012(x)(REV 02/2003).

Allowance

Verbal consent will be allowed at this time as long as staff follow the protocols below. However, staff should make every attempt to collect a signed BVS Client Consent form for the client file.

Documentation

Protocols for collecting BVS client consent verbally:

- Staff should use the below script when requesting verbal consent from clients (agency names, etc. can be changed).
- Consent must be memorialized in writing by the person proving the phone appointment
- Staff must note that verbal consent was collected due to extenuating circumstances until the COVID-19 outbreak is resolved.
- Remember, staff must make an attempt to collect a signed BVS Client Consent form from the client. If there is no way to collect a physical signature, this should be noted.

Partner read to Client:

(Agency Name Here) is a contracted assisting agency with the Department of Social and Health Services. We can assist you submit an application or maintain eligibility for public assistance benefits.

We would like your permission to access some of the information DSHS keeps electronically about you.

We are committed to protecting your privacy. If you give permission, we will be able to see the following limited information about you:

1. Basic demographic information including name, age and how many recipients are in your household;
2. Verification of the type of assistance your household will receive such as Cash, Basic Food and Medical;
3. The amount of money your household will receive for each benefit type;
4. A list of the benefits your household received in the past 3 months;
5. Your household's earned and unearned income;
6. Child Care copay amount, child's name and provider information; and
7. Certification periods.

If you authorize us to view the listed information, you are not:

- Designating us as an authorized representative, or
- Allowing us to share or re-disclose your information.

If you do not authorize us to view the listed information, we will still help you; however, we will not access your confidential information.

Do you give us authorization to access the information I listed?

Yes, I authorize access
 No, I do not authorize access

Did the client authorize release:

Did you verify the identity of the person by:

In-person
Verbally on Phone

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