

FOR ACTION

MOTION: To Authorize the Executive Director to Take All Actions Necessary to Implement Any and All Applicable Waivers Identified in HUD Notice 2020-05, (“HUD Notice”) dated April 10, 2020 for up to the Maximum Time Allowed Under the HUD Notice Which Are Deemed Appropriate and Necessary for the Continued Operations of the Hawaii Public Housing Authority (“HPHA”) and in the Best Interests of the Residents in the HPHA’s Housing Programs, the HPHA, and/or the State of Hawaii

(The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board’s attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities as related to this motion.)

I. FACTS

- A. The Hawaii Public Housing Authority's (HPHA) programs are governed by a variety of federal, state, and agency statutes and rules, such as the United States Code, Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).
- B. On March 5, 2020, the Governor of the State of Hawaii issued a Proclamation and subsequent Supplementary Proclamations dated March 16, 2020, March 21, 2020, March 23, 2020, and March 31, 2020 (hereinafter collectively referred to as “Emergency Proclamation”), which proclaimed an emergency for COVID-19. A copy of the Emergency Proclamation can be found on the Governor’s website.
- C. The Emergency Proclamation suspended, as allowed by law, numerous Hawaii statutes for the “speedy and efficient relief of damages, losses, and suffering resulting” from the COVID-19 virus which continues to endanger communities.
- D. Pursuant to the Emergency Proclamation, the Governor further directed all State agencies and officers to take protective action in order to prevent the spread of COVID-19 and provide for the health, safety, and welfare of the people as may be required, to assist in all efforts to eliminate the dangers addressed in the Emergency Proclamation.

- E. On April 10, 2020, the U.S. Department of Housing and Urban Development issued Notice PIH 2020-05, "COVID, Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant Programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program" which provides waivers and alternative requirements for numerous statutory and regulatory requirements for the HPHA's federal public housing and housing choice voucher programs. HUD strongly encourages public housing agencies to utilize any and all waivers and alternative requirements as necessary to keep public housing and housing choice voucher programs operational to the extent practicable. A copy of the full HUD Notice is available on the HUD website.

II. DISCUSSION

- A. Included at Attachment A is a summary of public housing and housing choice voucher waivers and alternative requirements. The HPHA does not anticipate exercising all of the available waivers either because they are not applicable or not necessary at this time. However, it may be determined at a later date that the HPHA should implement additional available waivers.
- B. It is important to note the following:
1. HUD has not provided waiver authority that would allow tenants to stop paying their portion of the rent.
 2. Use of the HUD waivers is at the discretion of the public housing agencies; no special HUD approval is required.
 3. HPHA is required to keep written documentation that records which waivers the HPHA applied to its program and the effective dates.
 4. The HPHA is required to notify its residents and landlords of any impacts of the waiver by whatever means it considers most effective as soon as practicable.
 5. The HPHA is not required to keep the waiver/alternative requirement in-place for the full period of availability.
 6. HUD has waived the requirement to allow the PHA's Public Housing Admissions and Continued Occupancy Policy and the Section Administrative Plan to be revised on a temporary basis without Board approval.
- C. Notwithstanding Chapters 15-185, 15-186, 15-193, 17-2000, 17-2020, 17-2021, 17-2028, 17-2032, 17-2033, 17-2036, 17-2038, Hawaii Administrative Rules (HAR), and any subsequent repeal or revisions, the HPHA is also proposing Emergency Rules which will address necessary changes to all aforementioned Hawaii Public Housing Authority HAR (which are presented under a separate action).

- D. Once approved by the HPHA Board of Directors, the agency will:
1. Post the waivers on the applicable state or county government website; and
 2. Take all required actions to inform the HPHA's residents about the implementation of any and all waivers.

The waivers shall remain posted on the HPHA's website while in effect.

- E. The Board may go into executive session pursuant to Hawaii Revised Statutes sections 92-4 and 92-5(a)(4) to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as related to this motion.

III. RECOMMENDATION

That the Board of Directors Authorize the Executive Director to Take All Actions Necessary to Implement Any and All Applicable Waivers Identified in HUD Notice 2020-05, ("HUD Notice") dated April 10, 2020 for up to the Maximum Time Allowed Under the HUD Notice Which Are Deemed Appropriate and Necessary for the Continued Operations of the Hawaii Public Housing Authority ("HPHA") and in the Best Interests of the Residents in the HPHA's Housing Programs, the HPHA, and/or the State of Hawaii

Attachment A Summary of Public Housing and HCV Waivers and Alternative Requirements to be Implemented by the HPHA.

Prepared by: Benjamin Park, Chief Planner *BP*

Approved by the Board of Directors
on the date set forth above
 As Presented [] As Amended



Robert J. Hall
Chairperson

Attachment A

Below is a list of the topics subject to statutory and regulatory requirements waivers identified in HUD Notice PIH 2020-05.

A. Waivers that Apply to Both the Public Housing Program and the Housing Choice Voucher Program:

1. PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements. This waiver allows for PHA Annual Plan to be submitted by 10/18/20.
2. Family Income and Composition: Delayed Annual Examination
This allows annual reexaminations to be delayed until 12/31/20.
3. Family Income and Composition: Annual Examination-Income Verification Requirements. Allows for self-certification and waives third-party income verification through 7/31/20.
4. Family Income and Composition: Interim Examinations. Allows for self-certification and waives third-party income verification through 7/31/20.
5. Enterprise Income Verification (EIV) Monitoring. Suspends monitoring requirements through 7/31/20.
6. Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension Requirements. Allows use of COVID-19 as “good cause” through 12/31/20 to extend participation for up to two years.
7. Waiting List: Opening and Closing; Public Notice. Allows for public notice to be made through HPHA website or voicemail message as long as ADA accessible.
8. Uniform Financial Reporting Standard; Filing of Financial Reports; Reporting Compliance Dates. Extended due date to 9/30/20.
9. PHA Reporting Requirements on HUD Form 50058. Suspends submittal dates and allows for submittal within 90 days of the effective date of action.

B. Waivers that Apply to the Housing Choice Voucher Program:

1. Initial Inspection Requirements. Allows Owner certification that life threatening conditions do not exist in the unit – 10/31/20.

2. Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units. Owner certification that life threatening conditions do not exist in the unit – 10/31/20.
3. Initial Inspections: Non-Life-Threatening Deficiencies (NLT) Option
Owner can have up to 60 days for NLT repairs.
4. HQS Initial Inspection Requirement-Alternative Inspection Option
Owner certification that life threatening conditions do not exist in the unit – 10/31/20.
5. HQS Inspection Requirement-Biennial Inspections
Allows inspections to be delayed until no later than 10/31/20.
6. HQS Interim Inspections. Owner must repair or retort in 24 hours if deficiency is life threatening and 30 days if not.
7. PBV Turnover Unit Inspections. Owner certification that life threatening conditions do not exist in the unit – 10/31/20.
8. PBV HAP Contract-HQS Inspections to Add or Subtract Units. Owner certification that life threatening conditions do not exist in the unit – 10/31/20.
9. HQS Quality Control Inspections. May delay until no later than 10/31/20.
10. Housing Quality Standards; Space & Security. Waiving 1 bedroom or living/sleeping room for a 2-person requirement for current lessees.
11. Home ownership Option-Initial HQS Inspection. Family can obtain independent professional inspector by 7/31/20.
12. Revisions to the Administrative Plan. Can revise on a temporary basis without Board approval. Any formal Board approval required must be by 7/31/20.
13. Information When Family is Selected-PHA Oral Briefing. Allows for other means such as a webcast, video call, or expanded information packet until 7/31/20.
14. Term of Voucher-Extension of Term. Can extend until 7/31/20.
15. PHA Approval of Assisted Tenancy-When HAP Contract is Executed.
Can execute HAP contract no later than 120 days from start of lease term until 7/31/20.

16. Absence from Unit. Extended from 180 consecutive days to 12/31/20.
17. Automatic Termination of HAP Contract. If HAP is reduced to 0\$ for 180 consecutive days is waived, and now extended to 12/31/20.
18. Increase in Payment Standard under HAP Contract Term. No need to wait until re-examination to increase HAP subsidy until 12/31/20.
19. Utility Allowance Schedule-Required Review and Revision. If 10% change, utility allowance schedule deadline is extended to 12/31/20.
20. Homeownership Option-Homeownership Counseling. Not required until 7/31/20.
21. Family Unification Program (FUP) FUP Youth Age Eligibility to Enter HAP Contract. Age requirement increased to not more than 26 years of age until 12/31/20.
22. SEMAP. Section Eight Management Assessment Program is temporarily suspended. PHAs will be issued last year's score unless they appeal.

C. Waivers that Apply to the Public Housing Program:

1. Fiscal Closeout of Capital Grant Funds. Deadlines increased by 6 months.
2. Total Development Costs. Up to 25% with HUD approval to exceed up to 50%. Complete development proposal would need to be submitted by 12/31/21.
3. Cost and Other Limitations; Types of Labor. Allows for the use of a force account labor (HPHA employees) for modernization activities until 12/31/20.
4. ACOP: Adoption of Tenant Selection Policies. Can revise on a temporary basis without Board approval. Formal Board approval by 7/31/20.
5. Community Service and Self-Sufficiency Requirement (CSSR). Suspending 8-hour community service until next reexamination or 3/31/21.
6. Energy Audits. Suspended for one year of initial due date.
7. Over-Income Families. If exceed two consecutive years, allowed to stay at same rent until 12/31/20.

8. Resident Council Elections. New elections requirements are suspended until 7/31/20.
9. Review and Revision of Utility Allowances. Must be completed by 12/31/20.
10. Tenant Notification for Changes to Project Rules and Regulations. Waiving 30-day notice requirement until 7/31/20.
11. PHAS. Public Housing Assessment System is temporarily suspended. PHAs will be issued last year's score, unless appealed.
12. Designated Housing Plans-HUD 60 Day Notification. Elderly and/or disabled families project plans HUD notification waived to 7/31/20.
13. Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds. One-year extension from current obligation and expenditure end dates.