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**NOTICE FROM THE BELLINGHAM & WHATCOM COUNTY HOUSING AUTHORITIES  
REGARDING APPLICATION OF WAIVERS AUTHORIZED BY THE  
U.S. DEPARTMENT OF A HOUSING AND URBAN DEVELOPMENT**

**I. INTRODUCTION**

On April 10, 2020 the U.S. Department of Housing and Urban Development (HUD) issued Notice PIH 2020-05 waiving or establishing alternative requirements for numerous aspects of the Public Housing and Housing Choice Voucher programs. Notice PIH 2020-05 has since been amended and extended multiple times, with the most recent guidance being located in Notice PIH 2021-14. These waivers provide administrative flexibilities and relief to public housing agencies (PHAs) in response to the COVID-19 national emergency.

The following waivers have been adopted by the Bellingham and Whatcom County Housing Authorities (BWCHA) upon first publication by HUD and may remain in effect for the full period of availability. Throughout this health emergency the BWCHA intends to maintain as much consistency as possible with policies and practices in existence before the COVID-19 pandemic, but the following waivers are hereby adopted to afford optional flexibility when necessary. HUD waivers summarized herein may be applied by BWCHA as needed.

**II. WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS**

**Waiver: PH and HCV-2: Family Income and Composition: Delayed Annual Examinations**

**Description:** PHAs are required to conduct a reexamination of family income and composition at least annually. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving this statutory and regulatory requirement to permit PHAs to delay annual reexaminations of HCV and public housing families. However, if the PHA delays annual reexaminations for HCV families under this authority, it must also comply with the alternative requirement regarding the application of an increase in the payment standard amount during the Housing Assistance Payment (HAP) contract term (see HCV-7 below) if applicable, so as not to delay the application of the increased payment standard amount to the family's HAP calculation.

**Period of Availability:** All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020. Reexaminations due between 1/1/21 and 12/31/21 must be completed by 12/31/21.

**Waiver: PH and HCV-3: Family Income and Composition: Annual Examination - Income Verification requirements**

**Description:** HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV, if the PHA wishes to conduct the annual recertification rather than delaying the family's annual recertification (as permitted under PH and HCV-2 above).

PHAs may consider self-certification as the highest form of income verification to process annual

reexaminations. This may occur over the telephone (but must be documented by PHA staff with a contemporaneous written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. PHAs are encouraged to incorporate procedures to remind families of the obligation to provide true and complete information when adopting these flexibilities. PHAs that conduct annual examinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies that may arise later. For example, if a tenant self-certified that the tenant lost their job, but later the EIV Income Validation Tool (IVT) shows the tenant's employment continued, the PHA must take enforcement action in accordance with their policies and procedures.

**Period of Availability:** The period of availability ends on 12/31/21.

#### **Waiver: PH and HCV-4: Family Income and Composition: Interim Examinations**

**Description:** HUD is waiving the requirements to use the income verification hierarchy as described by PIH Notice 2018-18. HUD will allow PHAs to forgo third-party income verification requirements for interim reexaminations, including the required use of EIV. During the allowable period of eligibility, PHAs may consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone (with a contemporaneous written record by the PHA staff person), through an email with a self-certification form by the family, or through other electronic communications.

PHAs that conduct interim reexaminations under this waiver/alternative requirement will be responsible for addressing any material discrepancies that may arise later. For example, if a tenant self-certified that the tenant lost their job, but later the EIV IVT Report shows the tenant's employment continued, the PHA must take enforcement action that is consistent with its policies and procedures.

**Period of Availability:** The period of availability ends on 12/31/21.

#### **Waiver: PH and HCV-5: Enterprise Income Verification (EIV) Monitoring**

**Description:** PIH Notice 2018-18 specifies the required monitoring of EIV reports. For example, PHAs are required to monitor the Deceased Tenants Report, the Identity Verification Report, the Immigration Report, the IVT Report, and the Multiple Subsidy Report and the New Hires Report on a monthly basis. Recognizing the challenges PHAs are facing with many if not all staff working remotely, HUD is waiving the mandatory EIV monitoring requirements.

**Period of Availability:** The period of availability ends on 12/31/21.

#### **Waiver: PH and HCV-7: Waiting List: Opening and Closing; Public Notice**

**Description:** The regulation provides that when a PHA opens its waiting list, the PHA must give public notice by publication in a local newspaper of general circulation and also by minority media and other suitable means. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving this requirement and is providing an alternative requirement that the PHA may provide public notice in a voicemail message on its main or general information telephone number and through its website (if such a PHA website is available).

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: PH and HCV-8: Eligibility Determination: Income Verification**

**Description:** HUD is waiving the third-party income verification requirements for applicants and, alternatively, will allow PHAs to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request. For example, an SSI benefit letter that was issued in November 2020 to represent the applicant's benefit amount for 2021 and provided to the PHA in March 2021 would be an acceptable form of income verification.

For each new admission under this waiver, the PHA must: review the EIV Income Report and the IVT Reports to confirm/validate family-reported income within 90 days of the Inventory Management System Public and Indian Housing Information Center (IMS/PIC) submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates. If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: PH and HCV-9 Eligibility Determination: Social Security Number and Citizenship Verification**

**Description:** HUD is waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting applicants to the HCV and Public Housing programs. PHAs may adopt policies to admit applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 90 days of admission to be eligible for continued assistance, pending verification.

Additionally, PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

**Period of Availability:** The period of availability ends on 12/31/21.

**III. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS**

**Waiver: HQS-1: Initial Inspection Requirements**

**Description:** In order to place the unit under HAP contract and commence making payments, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question instead of conducting an initial inspection. At minimum the PHA must require this owner certification. The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than June 30, 2022.

This HQS waiver does not include a waiver of 24 CFR 35.1215, visual assessment for deteriorated paint.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units**

**Description:** HUD is waiving the HQS inspection requirement and establishing an alternative requirement. Instead of conducting the pre-HAP contract HQS inspection, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. At minimum the PHA must require the owner's certification. The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than June 30, 2022.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-5: HQS Inspection Requirement – Biennial Inspections**

**Description:** PHAs may delay biennial inspections for both tenant-based and PBV units and instead, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. At minimum, the PHA must require this owner certification.

PHAs must conduct all delayed biennial inspections from CY 2020 as soon as reasonably possible but no later than 6/30/22, and must conduct all delayed biennial inspections from CY 2021 as soon as reasonably possible but no later than 12/31/22.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-6: HQS Interim Inspections**

**Description:** If the reported deficiency is life-threatening, the PHA must notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the PHA notification or provide documentation (e.g., text or email a photo to the PHA) that the reported deficiency does not exist. In the case of a reported non-life-threatening deficiency, the PHA must notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification or any approved PHA extension.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-7: PBV Turnover Unit Inspections**

**Description:** The regulation requires that before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit. HUD is waiving this regulatory requirement and providing as an alternative requirement the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question to allow a new family to occupy

the vacated PBV unit. The PHA is required to conduct the HQS inspection on the unit as soon as reasonably possible, but no later than June 30, 2022.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units**

**Description:** HUD is waiving the HQS inspection requirement. In order to substitute or add a new unit to the PBV HAP contract, the PHA may rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question instead of conducting an initial inspection. For any unit added to a PBV HAP contract based upon an owner’s self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HQS-9: HQS Quality Control Inspections**

**Description:** The regulations require PHAs to conduct supervisory quality control inspections of a sampling of units under contract. HUD is waiving this regulatory requirement.

**Period of Availability:** The period of applicability ends on 12/31/21.

**Waiver: HQS-10: Housing quality standards; Space and Security**

**Description:** The regulation establishes a minimum standard for adequate space for both an HCV and PBV - assisted family. HUD is waiving this requirement for PHAs where the PHA wishes to assist a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency, and the additional family members would result in the unit not meeting the space and security standards. This provision does not apply to an initial or new lease.

**Period of availability:** For any family occupying a unit that does not meet the space and security requirements pursuant to this waiver, the waiver will be in effect for the duration of the current lease term or one year from the date of this notice, whichever period of time is longer.

**IV. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL**

**Waiver: HCV-1: Administrative plan**

**Description:** The regulation requires that any revisions of the PHA’s administrative plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval. As an alternative requirement any informally adopted revisions under this waiver authority must be formally adopted as soon as practicable, but no later than June 30, 2021.

**Period of Availability:** The period of availability to informally adopt changes to the PHA administrative plan

ends on 9/30/21; the PHA must formally adopt such revisions no later than 12/31/21.

**Waiver: HCV-2: Information When Family is Selected - PHA Oral Briefing**

**Description:** The regulation requires when the PHA selects a family to participate in either the HCV or PBV program, the PHA must give the family an oral briefing. HUD is waiving this requirement and as an alternative requirement allowing the PHA to conduct the briefing by other means.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HCV-3: Term of Voucher – Extensions of Term**

**Description:** The regulation provides that at its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan. HUD is waiving the requirement that the extension(s) must be accordance with the PHA's administrative plan in order to allow the PHA to provide extensions even though it has been unable to formally amend its policy in the administrative plan.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HCV-4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed**

**Description:** HUD is waiving the regulatory requirement to allow PHAs to execute the HAP contract after the 60-day deadline has passed and make housing assistance payments back to the beginning of the lease term. However, the PHA and owner must execute the HAP contract no later than 120 days from the beginning of the lease term.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: HCV-5: Absence from Unit**

**Description:** The regulation requires that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HUD is waiving this regulatory requirement to allow the PHA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members). The PHA must maintain documentation in the tenant file which explains the extenuating circumstances that caused the extended absence.

**Period of Availability:** The period of availability for the PHA to choose to continue making HAP payments despite the family's absence of more than 180 consecutive days ends on December 31, 2021. The PHA may not make payments beyond December 31, 2021, and the HAP contract will terminate on that date if the family is still absent from the unit.

**Waiver: HCV-6: Automatic Termination of HAP contract**

**Description:** When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, PHAs are required by regulation to automatically terminate HAP contracts 180 days after the last housing assistance payment to the owner. HUD is waiving this requirement. As an alternative requirement, the PHA, upon written notice to the owner and family, may extend the period of time following the last payment to the owner that triggers the automatic termination of the HAP contract. The extension beyond the normally applicable 180 days is determined by the PHA but may not extend beyond June 30, 2021.

**Period of Availability:** The period of availability for the extension ends December 31, 2021. The PHA may not extend the HAP contract beyond December 31, 2021.

**Waiver: HCV-7: Increase in payment standard under HAP contract term**

**Description:** The regulation requires that if the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

HUD is waiving this requirement and as an alternative requirement allowing the PHAs to apply the increased payment standard at any time (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

Note that if the PHA has delayed the family's annual recertification under the waiver authority described earlier in this notice (see PH and HCV-2), the PHA must use the increased payment standard amount to calculate the family's HAP beginning the date that the family's first regular examination would have been effective in the absence of the waiver. Alternatively, the PHA may conduct an interim reexamination where the only change is the increased payment standard amount. Regardless of the method used, the participant must receive the increased payment standard no later than the effective date of the family's first regular reexamination following the increased payment standard.

**Period of Availability:** The waiver period of availability ends on 12/31/21.

**Waiver: HCV-13: Homeownership: Maximum Term of Assistance**

**Description:** The regulation establishes a maximum term on homeownership assistance for non-elderly/non-disabled families of 15 years if the initial mortgage has a term of 20 or more years, and 10 years in all other cases. HUD is waiving this term. Specifically, for any family that is in the last year of this term (i.e., the 15th year or the 10th year, as applicable) and that is experiencing financial hardship as a result of the COVID-19 pandemic, a PHA may provide homeownership assistance for up to 1 additional year.

**Period of Availability:** Through 12/31/21, a PHA may extend homeownership assistance for up to 1 additional year.

#### **Waiver: HCV-14: Mandatory Removal of Unit from PBV HAP Contract**

**Description:** Under the PBV program, a PHA is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. As an alternative requirement, HUD is authorizing a PHA at its discretion to keep such units under contract for a period of time that exceeds 180 days but does not extend beyond June 30, 2021. Similarly, HUD is providing that a PHA that adopts the alternative requirement may resume housing assistance payments on behalf of a family residing in such a unit should the family's income change at any point during the period of time covered by the extension.

**Period of Availability:** The period of availability for the extension ends on 12/31/21.

#### **Waiver: HCV-15: Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units**

**Description:** The PHA may allow a family to initially lease an under-occupied PBV or RAD PBV unit (a unit that has more bedrooms than what the family qualifies for under PHA subsidy standards) under certain circumstances as further described below, and to allow for the continued occupancy of PBV and EV families already under a lease for an under-occupied PBV, RAD PBV, or EV unit. This includes waiver of the statutory provisions concerning single person families, so that the PHA may allow a single person to lease a unit with more than 2 bedrooms under the conditions set forth below. The specific waivers and alternative requirements are as follows:

- PHAs may approve a homeless family on the waiting list (or a homeless family referred as part of the HUD-VASH program, if applicable) to initially lease an under-occupied PBV or RAD PBV unit, provided the PHA has no families on the waiting list, after outreach and marketing, that qualify for the PBV or RAD PBV unit. The family will become subject to § 983.260 no later than the end of the lease term following the expiration of this waiver.
- PHAs may allow a family currently occupying an under-occupied PBV unit (or a RAD PBV unit that the family leased after conversion) to remain in the unit until the end of the lease term following the expiration of this waiver, at which time the family will become subject to § 983.260. This also applies to an eligible family whose current under-occupied unit has been subject to a conversion action<sup>6</sup> and placed under a PBV HAP contract, so that the family may continue to lease the same unit under these conditions

**Period of Availability:** The period of availability ends on December 31, 2021. Any PBV, RAD PBV, or EV family residing in an under-occupied unit on this date in accordance with this waiver may remain in the unit until the end of the family's lease term following this date, at which time the family will be subject to the relevant requirement for under-occupied units.

### **V. PUBLIC HOUSING PROGRAM WAIVERS**

#### **Waiver: PH-4: ACOP: Adoption of Tenant Selection Procedures**

**Description:** HUD is waiving this requirement to permit PHAs to adopt and implement changes to the ACOP on an expedited basis, without formal board approval.

**Period of Availability:** The period of availability to informally adopt changes to the PHA ACOP ends on 9/30/21; the PHA must formally adopt such revisions no later than 12/31/21.

**Waiver: PH-7: Over-Income Families**

**Description:** PHAs are required by statute and the Federal Register Notice to terminate or charge an alternative rent to families whose income exceeds the program maximum income level for two consecutive years. HUD defined the two-year time period as two consecutive reexamination cycles. In order to be consistent with the delay in annual reexaminations permitted under waiver PH and HCV-2, HUD is waiving this requirement and is permitting families to remain in their units and to continue to pay the same rental amount until such time that a PHA conducts the next annual income recertification that would impact the family. In order to adopt this waiver, PHAs must also adopt a waiver under PH and HCV-2.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: PH-10: Tenant Notifications for Changes to Project Rules and Regulations**

**Description:** PHAs are required by this regulation to provide 30-day notice to impacted families for changes to policies, rules and special charges to families. HUD is waiving the requirement to provide such advance notice, except advance notice must be provided for any changes related to tenant charges. Although HUD is waiving the advanced notice, PHAs must still provide adequate notification to impacted families within 30 days of making such changes.

**Period of Availability:** The period of availability ends on 12/31/21.

**Waiver: PH-12: Public Housing Agency Annual Self -Inspections**

**Description:** The statute requires PHAs which own or operate public housing to make an annual inspection of each public housing project to determine whether units in the project are maintained to applicable standards and remain safe for residents. HUD is waiving the requirement that the PHA must inspect each project during CY 2020.

**Period of Availability:** The period of availability ends on 12/31/20.

**Waiver: PH-13: Over-Income Limit: Termination Requirement**

**Description:** Due to the ongoing COVID-19 pandemic and the culminating efforts on the federal and local levels to prevent evictions and limit the spread of COVID-19, HUD is waiving the requirement that a family whose income has exceeded the over-income limit for the locality for two consecutive years be terminated within 6 months of the third income determination. As an alternative requirement, a family whose income has exceeded the over-income limit for the locality for two consecutive years will remain public housing households instead of being terminated and will be charged the applicable FMR as the family's monthly rental amount.

**Period of Availability:** The period of availability ends on 12/31/21.

### **Waiver: PH-14: Annual Choice of Rent**

**Description:** Once a year, PHAs must give families the option of choosing between a flat rent and an income-based rent. A family may not be offered this choice more than once per year with the exception that a family may switch from a flat rent to an income-based rent because of financial hardship. Thus, under current rules families who switch from a flat rent to an income-based rent because of financial hardship may not switch back to a flat rent prior to their next annual recertification. HUD is waiving the requirement that a family may not be offered a choice of rent more than once a year. Alternatively, a PHA may give families no more than two opportunities to choose between a flat rent and an income-based rent within the same one year period.

**Period of Availability:** The period of availability ends on 12/31/21.

### **Waiver 12e: Community Service and Self-Sufficiency Requirement (CSSR) Suspension**

**Description:** Due to the ongoing impact of the COVID-19 pandemic, shelter in place orders and many organizations having limited operations or volunteer opportunities, HUD is waiving this requirement and suspending enforcement of the CSSR in an effort to help prevent further spread of COVID-19. This suspension is effective for all adult residents of public housing and is not discretionary for PHAs.

**Period of Availability:** This waiver is effective for all annual reexaminations completed between the publication date of this notice [5/4/21] through April 30, 2022.

## **VI. PHAS, SEMAP, AND UNIFORM FINANCIAL REPORTING STANDARDS**

### **Waiver: PHAS**

**Description:** Part 902 sets out the indicators by which HUD measures the performance of a PHA. The indicators measure a PHA's physical condition, financial condition, management operations, and Capital Fund obligation and occupancy. HUD inspections resumed on October 5, 2020. For any PHAs with a fiscal year end on or before December 31, 2021, HUD will not issue a new PHAS score unless the PHA requests that a new PHAS score be issued. HUD will instead carry forward the most recent PHAS score on record.

**Period of Availability:** HUD will carry forward the most recent PHAS score on record for any PHAs with a fiscal year end on or before December 31, 2021.

### **Waiver: SEMAP**

**Description:** For PHAs that have a SEMAP score pending as of the date of this notice, and for any PHA with a fiscal year ending on or before December 31, 2021, HUD will not issue a new SEMAP score unless the PHA requests a that new SEMAP score be issued. HUD will instead carry forward the most recent SEMAP score on record.

**Period of Availability:** HUD will carry forward the most recent SEMAP score on record for any PHAs with a fiscal year on or before December 31, 2021.

### **Waiver: SEMAP Certificate Timing**

**Description:** Waives the requirement for PHAs to submit an annual SEMAP certification in IMS-PIC within 60 days of FYE during the timeframe HUD is rolling over prior year scores.

**Period of Availability:** The period of availability ends on January 1, 2022.