

# Attachment A: Detailed Changes to Admin and ACOP

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## Background

In response to the COVID-19 public health emergency, the Department of Housing and Urban Development (HUD) exercised its authority under the CARES Act to establish waivers and administrative flexibilities to provide regulatory relief to Public Housing Authorities (PHAs). HUD published an initial set of waivers in PIH Notice 2020-05 on April 10, 2020, superseded by PIH Notice 2020-13 on July 2, 2020, and PIH Notice 2020-33 on November 30, 2020. In all three notices, HUD encouraged PHAs to utilize waivers to keep Public Housing and Housing Choice Voucher programs operational to the extent practicable and to expand housing assistance opportunities to address issues that increase risk of COVID-19, like homelessness and overcrowding.

All three notices provided PHAs with the ability to make changes to their Administrative Plans (Admin Plans), which govern the Housing Choice Voucher program, and Admissions and Continued Occupancy Policy (ACOP) plans, which govern the Public Housing Program, without Board approval. Specifically, waiver HCV-1 allowed PHAs to make informal changes to their Administrative Plans without Board approval and waiver PH-4 allowed PHAs to make informal changes to their ACOP plans without Board approval. In both cases, the regulatory flexibility was made available through March 31, 2021 meaning that a PHA could make changes to their Admin and ACOP plans without Board approval through March 31, 2021. Both of these waivers also required that: “Any informally adopted revisions under this waiver authority must be formally adopted no later than June 30, 2021.”

This document outlines all of the informal changes made to Home Forward’s Admin and ACOP plans using the waiver authority granted via waivers HCV-1 and PH-4 initially in HUD Notice PIH 2020-05 and subsequently in HUD Notices PIH 2020-13 and PIH Notice 2020-33. In compliance with the requirements of these waivers, all of the changes were implemented prior to March 31, 2020 and Home Forward is requesting Board approval of these informal changes prior to June 30, 2021.

Home Forward is also requesting approval of one permanent technical change to our administrative plan to align rent increase notice requirements in the Housing Choice Voucher program with State notice requirements.

## Informal Changes: Admin and ACOP

### 1. Annual Examination: Income Verification Requirements

**Description of Current Requirements:** Public Housing Authorities (PHAs) are required to obtain third-party verification via the Enterprise Income Verification (EIV) system, or document why third-party verification was not available, during mandatory reexaminations or recertification of family composition and income. HUD also describes the required verification hierarchy process that PHAs must follow during this process, which includes obtaining documentation in the following order of priority: (1) written third party verification, (2) written third party verification form, (3) oral third party verification, (4) self-certification.

**Description of Home Forward Policy:** Home Forward complies with HUD's requirements and uses the Enterprise Income Verification (EIV) system to verify a family's income at their examination which occurs every two or three years, depending on whether the household is "work-focused" or is a household with a senior or person with a disability.<sup>1</sup>

**Regulatory Waiver:** PH and HCV-3, PIH Notice 2020-33

**Description of Alternative Authority:** With waiver PH and HCV-3 in PIH Notice 2020-33, HUD waived the requirement that PHAs use the income hierarchy. This waiver allowed PHAs to forgo third-party income verification requirements for reexaminations, including the use of EIV and allowed PHAs to consider self-certification as the highest form of income verification when processing examinations. The waiver also allowed PHAs to accept self-certification through email, postal mail, through other electronic means, or over the phone (if the PHA staff contemporaneously documented the self-certification in writing). Finally, the waiver requires PHAs to address any discrepancies that arise between the income that the resident or participant self-certified and any income shown through the EIV report at a later date.

#### **Description of Informal Change:**

ACOP: Instead of strictly following the income hierarchy, staff accepted self-certification of income prior to pursuing other forms of income verification in the hierarchy.

Admin Plan: Instead of strictly following the income hierarchy, staff accepted self-certification of income prior to pursuing other forms of income verification in the hierarchy.

**Period of Implementation:** April 14, 2020 to June 30, 2021.

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin and ACOP plan during the period of implementation.

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<sup>1</sup> Home Forward, Chapter 9: Recertifications, Admissions Continued Occupancy Plan, pp 9-2 to 9-4; and Home Forward, Chapter 7: Verification, Administrative Plan, pp 7-3 to 7-10.

### 3. Interim Examinations: Income Verification Requirements

**Description of Current Requirements:** At any time, a resident of the public housing program or participant of the Housing Choice Voucher program may request an interim determination of family income and the PHA must respond within a reasonable amount of time. For example, if a household member loses their job due to COVID-19, they may request an income reexamination and have their rent adjusted in accordance with their change in income. Public Housing Authorities (PHAs) are required to obtain third-party verification via the Enterprise Income Verification (EIV) system, or document why third-party verification was not available, during interim reexaminations. HUD also describes the required verification hierarchy process that PHAs must follow during this process, which includes obtaining documentation in the following order of priority: (1) written third party verification, (2) written third party verification form, (3) oral third party verification, and (4) self-certification.

**Description of Home Forward Policy:** Home Forward complies with HUD's requirements and uses the Enterprise Income Verification (EIV) system to verify a family's income during an interim re-examination.<sup>2</sup>

**Regulatory Waiver:** PH and HCV-4, Notice PIH 2020-33

**Description of Alternative Authority:** HUD waived the requirement to use the income verification requirements for interim reexaminations, including the required use of EIV. PHAs may consider self-certification as the highest form of income verification to process reexaminations. PHAs may accept self-certification through email, postal mail, through other electronic means, or over the phone (if the PHA staff contemporaneously documented the self-certification in writing). Finally, the waiver requires PHAs to address any discrepancies that arise between the income that the resident or participant self-certified and any income shown through the EIV report at a later date.

**Description of Informal Change:**

ACOP: Instead of strictly following the income hierarchy, staff accepted self-certification of income prior to pursuing other forms of income verification in the hierarchy.

Admin: Instead of strictly following the income hierarchy, staff accepted self-certification of income prior to pursuing other forms of income verification in the hierarchy.

**Period of Implementation:** April 14, 2020 to June 30, 2021.

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin and ACOP plan during the period of implementation.

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<sup>2</sup> Home Forward, Chapter 9: Recertifications, Admissions Continued Occupancy Plan, pp 9-5 to 9-6; and Home Forward, Chapter 7: Verification, Administrative Plan, pp 7-3 to 7-10.

## Informal Changes: Administrative Plan

### 1. Housing Quality Standards (HQS) – Initial Inspection Requirements

**Description of Current Requirements:** PHAs are required to inspect a unit to ensure it meets Housing Quality Standards (HQS) before any assistance payment can be made, before a Housing Assistance Payment (HAP) contract can be executed, and before the beginning of the initial lease term.

**Description of Home Forward Policy:** Home Forward complies with the requirement that a unit meet HQS prior to making assistance payments, executing a HAP contract, and beginning the initial lease term.<sup>3</sup>

**Regulatory Waiver:** HQS-1, Notice PIH 2020-33

**Description of Alternative Authority:** HUD waived the requirement that PHAs inspect a unit to ensure it meets HQS prior to making an assistance payment, executing a HAP contract, and prior to the initial lease term. 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." The PHA must complete the initial inspection as soon as is reasonably possible, but no later than the 1-year anniversary date of the owner's certification. Home Forward may delay the initial inspection until June 30, 2021, when the waiver authority expires.

**Description of Informal Change:** Home Forward continued to perform initial inspections in vacant units. Home Forward accepted owner certification in lieu of performing an initial inspection in occupied units.

**Period of Implementation:** April 14, 2020 to June 30, 2021<sup>4</sup>

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>3</sup> Home Forward, "Chapter 8-II.B: Initial HQS Inspection, Timing of Initial Inspections," Administrative Plan, pg 8-13.

<sup>4</sup> This waiver authority is available until June 30, 2021. If Home Forward received owner certification that their unit meets HQS requirements on June 30, 2021, Home Forward would have until one year after that owner's certification to complete the inspection (June 30, 2022).

## 2. Housing Quality Standard (HQS) – Biennial Inspections

**Description of Current Requirements:** PHAs are required to inspect the unit not less often than biennially during the term of the HAP contract.

**Description of Home Forward Policy:** Home Forward complies with the requirement to inspect units at least biennially during the term of the HAP contract.<sup>5</sup>

**Regulatory Waiver:** HQS-5, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is allowing PHAs to delay biennial inspections for tenant-based and project-based units. All delayed inspections must be completed as soon as reasonably possible and no later December 31, 2021. PIH Notice 2020-33, which was published on November 30, 2020 required that the PHA must require owner certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question.

**Description of Informal Change:** The Housing Choice Voucher program has delayed biennial inspections that would have been due between April 14, 2020 and November 30, 2020 and may delay biennial inspections due between December 1, 2020 and June 30, 2021. In compliance with the new alternative requirements in PIH Notice 2020-33, if Home Forward delays a biennial inspection that would otherwise have been due between December 1, 2020 and June 30, 2021, Home Forward will require owner certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist for inspections and will complete all delayed biennial inspections by December 31, 2021.

**Period of Implementation:** April 14, 2020 and December 31, 2021.

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>5</sup> Home Forward, "Chapter 8-III.D: Inspecting Units," Administrative Plan, pg 8-15; Home Forward, "Chapter 17.II.F: Cap on Number of PBV Units in each project," Administrative Plan, pg 17-20; Home Forward, "Chapter 18-III.D: Inspecting Units," Administrative Plan, pg 18-14.

### 3. Housing Quality Standard (HQS) – Interim Inspections

**Description of Current Requirements:** If a PHA receives notification by a family or government official that an assisted unit does not comply with the HQS and the condition is life-threatening, the PHA must inspect the unit within 24 hours of receiving notification. If a PHA receives notification by a family or government official that an assisted unit does not comply with the HQS but the condition is not life threatening, the PHA must inspect the unit within 15 days.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements outlined above.<sup>6</sup>

**Regulatory Waiver:** HQS-6, Notice PIH 2020-33

**Description of Alternative Authority:** HUD waived these requirements and provided an alternative requirement for both tenant-based and project-based units. If a reported deficiency is life-threatening, the PHA must notify the owner of the reported life threatening deficiency and the owner must correct it within 24 hours or provide documentation (text or e-mail photo to PHA) that the reported deficiency does not exist. If the deficiency is not life threatening, the PHA must notify the owner within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of receiving the PHA notification or any approved PHA extension. This waiver may also apply to PHA-owned units if the independent entity is unable to perform the inspection.

**Description of Informal Change:** Home Forward completed in person inspections for any complaint related to fire, life safety, no water or no heat. In these cases, we followed our standard protocols and notified the landlord with a list of repairs. If we couldn't gain access to the unit or the client denied entrance due to COVID, we notified the landlord via letter with fail items noted. Home Forward did not require in person inspections for complaints related to other issues than those outlined above. In these cases, Home Forward worked with the tenant and landlord to resolve any complaints related to noncompliance with HQS. Home Forward required owners to provide documentation that an issue had been resolved or did not exist within the time period described above.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>6</sup> Home Forward, "Chapter 8-II.G: Inspection Results and Reinspections for units under HAP contract," Administrative Plan, pg 8-18

#### 4. Housing Quality Standard (HQS) – PBV Turnover Unit Inspections

**Description of Current Requirements:** Before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements outlined above.

**Regulatory Waiver:** HQS-7, Notice PIH 2020-33

**Description of Alternative Authority:** HUD waived the requirement that PHAs inspect a PBV contract unit prior to providing assistance to a new family to ensure it meets HQS. 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 unit. The PHA must complete the inspection as soon as is reasonably possible, but no later than the 1-year anniversary date of the owner's certification. This waiver may also apply to PHA-owned units if the independent entity is unable to perform the inspection.

**Description of Informal Change: Home Forward continued inspections in vacant units.** In cases where the unit was occupied, Home Forward's implemented an informal change to our Admin plan to accept owner-certification as outlined in alternative authority provided in the regulatory wavier above in lieu of completing an inspection.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

## 5. Housing Quality Standards (HQS) – Inspections to Add or Substitute Units (PBV HAP Contract)

**Description of Current Requirements:** The PHA may amend the Housing Authority Payment (HAP) contract to add additional Project-based Voucher (PBV) contract units or substitute a different unit for a previously covered contract unit. Proposed additional or substituted units must be inspected to ensure compliance with HQS before they may be added to the HAP contract.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements outlined above.<sup>7</sup>

**Regulatory Waiver:** HQS-8, Notice PIH 2020-33

**Description of Alternative Authority:** HUD waived the requirement that PHAs inspect unit prior to adding or substituting it in the 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,” to add or substitute the unit in the HAP contract. The PHA must complete the inspection as soon as is reasonably possible, but no later than the 1-year anniversary date of the owner’s certification. This waiver may also apply to PHA-owned units if the independent entity is unable to perform the inspection.

**Description of Informal Change:** Home Forward continued to comply with the regulatory requirements absent this waiver in vacant units. For occupied units, Home Forward accepted owner certification of absence of life threatening conditions.

**Period of Implementation:** April 14, 2020 to June 30, 2021.

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward’s Admin plan during the period of implementation.

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<sup>7</sup> Home Forward, “Chapter 17: Project Based Vouchers: Amendments to the HAP Contract,” Administrative Plan, pg 17-31.

## 6. Housing Quality Standards (HQS) – Quality Control Inspections

**Description of Current Requirements:** PHAs are required to conduct supervisory quality control inspections of a sampling of units under contract.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements outlined above.<sup>8</sup>

**Regulatory Waiver:** HQS-9, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement.

**Description of Informal Change:** Home Forward suspended Quality Control sampling inspections during the waiver period.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>8</sup> Home Forward, "Chapter 8-III.D: Inspecting Units," Administrative Plan, pg 8-16

## 7. Housing Choice Voucher – Oral Briefing

**Description of Current Requirements:** PHAs are required to give families selected to participate in the HCV or PBV program an oral briefing.

**Description of Home Forward Policy:** When a family is determined to be eligible for the Housing Choice Voucher (HCV) or Project Based Voucher (PBV) program, the PHA must ensure that the family fully understands the way the program operates and the family's obligations under the program. The family must attend an oral briefing prior to being issued their voucher.<sup>9</sup>

**Regulatory Waiver:** HCV-2, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving the requirement for a family to attend an oral briefing prior to being issued their voucher. The PHA must instead conduct the briefing by other means, such as a webcast, video call, or expanded information packet.

**Description of Informal Change:** The Rent Assistance team conducted part of the briefings over the phone, including (1) which forms must be returned, (2) which forms to give to landlord, (3) review of maximum rent calculation sheet, and (4) time for questions. To make sure families received all of the information, Home Forward provided families with a full briefing packet and powerpoint slides.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>9</sup> Home Forward, "Chapter 5: Briefings and Voucher Issuance," Administrative Plan, pp. 5-1 to 5-14; Home Forward, "Chapter 17-VI.E: Offer of PBV Assistance," Administrative Plan, pg 17-43; and Home Forward, "Chapter 18-V.F: Offer of PBV Assistance," Administrative Plan, pg 18-28.

## 8. Housing Choice Voucher (HCV) – Extension of Voucher Term

**Description of Current Requirements:** PHAs are allowed to grant families one or more extensions of their initial voucher term but must do so in accordance with the PHA policy as described in their administrative plan.

**Description of Home Forward Policy:** Home Forward’s policy includes an automatic approval of a 60-day extension upon written request from the family. The request may be delivered in person, by e-mail, fax, or through a support agency on behalf of the family. The PHA may approve additional extensions only in specific circumstances.<sup>10</sup>

**Regulatory Waiver:** HCV-3, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving the requirement that extensions must be in accordance with the PHA’s policy as outlined in their administrative plan to allow PHAs to provide extensions even if they have not been able to formally amend their administrative plan.

**Description of Informal Change:** Home Forward provided extensions in extenuating circumstances beyond what was outlined in our Administrative plan.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward’s Admin plan during the period of implementation.

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<sup>10</sup> Home Forward, “Chapter 5-II. E. Voucher Terms and Extensions,” Administrative Plan, pp. 5-15 to 5-16.

## 9. Housing Choice Voucher (HCV) - When HAP Contract is Executed

**Description of Current Requirements:** PHAs may not make any housing assistance payments (HAP) to the owner until the HAP contract is executed. The PHA must make best efforts to execute the contract prior to the beginning of the lease and must execute the contract within 60 days of the beginning of the lease of the contract is void.

**Description of Home Forward Policy:** Home Forward complies with the regulations outlined above.<sup>11</sup>

**Regulatory Waiver:** HCV-4, Notice PIH 2020-33

**Description of Alternative Authority:** HUD extended the deadline by which PHAs must execute the HAP contract from 60 days to 120 days.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to provide HAP even if the contract was not executed within 60 days in extenuating circumstances.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>11</sup> Home Forward, "Chapter 9-I. G. HAP Contract Execution," Administrative Plan, pg. 9-13.

## 10. Housing Choice Voucher (HCV) – Absence from Unit

**Description of Current Requirements:** PHAs are required to terminate a household's assistance if they are absent from their unit for more than 180 days.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.

**Regulatory Waiver:** HCV-5, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement and allows PHAs, at their discretion, to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes). If a household has been absent from their unit for more than 180 days on June 30, 2021, the PHA must terminate their assistance. PIH Notice 2020-33 added a new requirement for use of this waiver authority that is effective beginning November 30, 2020. The new requirement is that the PHA must maintain documentation in the tenant file of the extenuating circumstances that resulted in absence from the unit.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan and used this discretion on absences of longer than 180 days during the period of availability in extenuating circumstances. For qualifying absences beyond December 31, 2020, Home Forward will maintain documentation in the tenant file about the extenuating circumstances that resulted in the absence from the unit, per the new alternative requirement articulated in PIH Notice 2020-33.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

## 11. Housing Choice Voucher (HCV) – Automatic Termination of HAP Contract

**Description of Current Requirements:** PHAs are required to terminate a household's assistance 180 days after the PHAs last payment. For example, if a household's income increases to the extent that the Housing Assistance Payment (HAP) is \$0, the PHA must terminate the HAP contract 180 days from that date.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>12</sup>

**Regulatory Waiver:** HCV-6, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement and allowing PHAs to extend the period of time following the last payment before assistance is terminated beyond 180 days. However, the date may not be extended beyond June 30, 2021.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to provide extensions for automatic termination of the HAP contract if recipients had extenuating circumstances during the period of availability.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>12</sup> Home Forward, "Chapter 12-I. B. Family No Longer Requires Assistance," Administrative Plan, pg. 12-2.

## 12. Housing Choice Voucher (HCV) – Family Unification Program (FUP) Youth Age

**Description of Current Requirements:** The statute requires that a FUP youth be no more than 24 years old (not yet reached their 25<sup>th</sup> birthday) to be eligible to receive subsidy (housing assistance payment) through the FUP program.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>13</sup>

**Regulatory Waiver:** HCV-10, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement and allowing PHAs to execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not yet reached their 26<sup>th</sup> birthday).

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to allow us to execute a HAP contract on behalf of an otherwise eligible FUP youth that is not more than 25 if needed.

**Period of Implementation:** December 7, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>13</sup> Home Forward, "Chapter 4-III.B. Selection and HCV Funding Sources," Administrative Plan, pg. 4-14.

### 13. Housing Choice Voucher (HCV) – Family Unification Program (FUP) Length of Assistance

**Description of Current Requirements:** The statute limits the availability of assistance for FUP youth to a period “not to exceed 36 months”.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>14</sup>

**Regulatory Waiver:** HCV-11, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement and allowing PHAs to grant FUP youth with a 6-month extension for FUP youth who will reach their 36-month time limit between April 10, 2020 and June 30, 2021.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to allow us to provide a 6-month extension to a FUP youth whose time-limit would otherwise end during the period of implementation, as needed.

**Period of Implementation:** December 7, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward’s Admin plan during the period of implementation.

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<sup>14</sup> Home Forward, “Chapter 4-III.B. Selection and HCV Funding Sources,” Administrative Plan, pg. 4-14.

## 14. Housing Choice Voucher (HCV) – Family Unification Program (FUP) Referral Timeframe

**Description of Current Requirements:** The statute requires that assistance may be provided on behalf of “otherwise eligible youths who have attained at least 18 years of age and not more than 24 years of age who have left foster care or will leave foster care within 90 days.”

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>15</sup>

**Regulatory Waiver:** HCV-12, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is extended the requirement that, to be eligible, a youth has left or will leave foster care within 90 days to within 120 days.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to allow us to serve youth who will leave foster care within 120 days.

**Period of Implementation:** December 7, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward’s Admin plan during the period of implementation.

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<sup>15</sup> Home Forward, “Chapter 4-III.B. Selection and HCV Funding Sources,” Administrative Plan, pg. 4-14.

## 15. Housing Choice Voucher (HCV) – Removal of Unit from PBV HAP Contract

**Description of Current Requirements:** Under the Project Based Voucher (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.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>16</sup>

**Regulatory Waiver:** HCV-14, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this regulatory requirement and allowing PHAs to extend the period of time following the last payment before assistance is terminated beyond 180 days. However, the date may not be extended beyond June 30, 2021.

**Description of Informal Change:** Home Forward made an informal change to our Admin plan to provide extensions for automatic removal of the unit from the PBV contract instead of removing the unit from the contract after 180 days during the period of availability.

**Period of Implementation:** April 14, 2020 to June 30, 2021

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>16</sup> Home Forward, "Chapter 17-VII. B. Lease," Administrative Plan, pg. 17-50.

## 16. Housing Choice Voucher (HCV) – Temporary Rent Increase Policy

**Description of Current Requirements:** Landlords are required to notify tenants and the PHA of any rent increases at least ninety days before any such changes will go into effect.<sup>17</sup> Federal regulations require that such changes are subject to rent reasonableness requirements, and subject to approval by the PHA.

**Description of Home Forward Policy:** Home Forward will agree to a rent increase request, if provided within legally required timeframes, only if the amount of the rent to owner is considered reasonable according to Home Forward's rent reasonableness standards. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or give the family notice in accordance with the terms of the lease. No rent increase is permitted during the initial term of the lease [24 CFR 982.309(a)(3)]. Where the owner is requesting a rent increase, Home Forward will determine whether the requested increase is reasonable within 15 business days of receiving the request from the owner. The owner will be notified of the determination in writing. Rent increases will go into effect on the first of the month following the 90 day period after the owner notifies the PHA of the rent change or on the date specified by the owner, whichever is later.<sup>18</sup>

**Regulatory Waiver:** HUD approved Home Forward's FY2020 MTW Plan on June 26, 2020, which included the alternative authority described below. Authority to implement this approach derives from Attachment C to the HUD-Home Forward MTW Agreement, Section D(2)(b) and Attachment D to the HUD-Home Forward MTW Agreement, Sections B(2) and D(1).

**Description of Alternative Authority:** Home Forward received authority from HUD to deny all rent increase requests, or pause the processing of all rent increase requests, from landlords of tenant-based Housing Choice Voucher holders for reasons other than non-compliance with rent reasonableness in rent setting. Home Forward will implement this approach based upon a consideration of the following factors:

- (1) A consideration of financial and administrative impact on Home Forward;
- (2) Rent burden on tenants participating in the Housing Choice Voucher program;
- (3) Impact on participating landlords; and
- (4) Other compelling situations which may include the declaration of a state of emergency.

**Description of Informal Change:** Home Forward made an informal change to the Admin plan to use this authority to deny rent increase requests for landlord's in the Housing Choice voucher program that would go into effect during Calendar Year 2021. The period of implementation below is from September 30, 2020 to December 31, 2021 as opposed to January 1, 2021 to December 31, 2021 because landlords must give 90 days notice before a rent increase is effective. So their rent increase requests that would impact tenants in Calendar Year 2021 would likely occur between September 1, 2020 and September 30, 2021, with effect through December 31, 2021.

**Period of Implementation:** September 1, 2020 to December 31, 2021.

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's Admin plan during the period of implementation.

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<sup>17</sup> Oregon Revised Statute 90.323. Home Forward's Administrative plan needs to be permanently amended to reflect this state requirement.

<sup>18</sup> Home Forward, "Chapter 9-I.H. Changes in lease or rent," Administrative Plan, pg. 9-14.

## Informal Changes: Admissions and Continued Occupancy Policy (ACOP)

### 1. Public Housing – Annual Self-Inspections

**Description of Current Requirements:** PHAs who own or operate public housing are required to annually inspect each public housing project to determine whether units in the project are maintained to applicable standards and remain safe for residents.

**Description of Home Forward Policy:** Home Forward complies with the regulatory requirements described above.<sup>19</sup>

**Regulatory Waiver:** PH-12, Notice PIH 2020-33

**Description of Alternative Authority:** HUD is waiving this requirement that the PHA must inspect each project during Calendar Year 2020.

**Description of Informal Change:** Home Forward made an informal change to our ACOP to use this regulatory flexibility and not perform inspections during Calendar Year 2020.

**Period of Implementation:** April 14, 2020 to December 31, 2020

**Request of Board:** Home Forward requests the board approve this informal change to Home Forward's ACOP during the period of implementation.

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<sup>19</sup> Home Forward, "Chapter 8-II. B. Types of Inspections," Admissions and Continued Occupancy Policy, pg. 8-8.

## Permanent Change: Admin Plan

### 1. Housing Choice Voucher (HCV) – Notice of Rent Increase

**Description of Current Requirements:** Federal law requires landlords to provide 60-day notice of a rent increase to Public Housing Authorities.<sup>20</sup> Oregon State law requires landlords to provide tenants with at least 90-day notice in advance of the effective date of a rent increase.<sup>21</sup> State law prevails in this case because federal law says: “at least 60 days” so the State requirement of 90-days do not conflict.

**Description of Home Forward Policy:** In compliance with State law, landlords must provide Home Forward with 90-days notice of a proposed rent increase.<sup>22</sup>

**Description of Permanent Change:** Home Forward needs to permanently amend our Administrative plan to align with the State notice requirements.

**Request of Board:** Home Forward requests the board approve this permanent technical change to Home Forward’s Administrative Plan.

#### Specific Changes

*Deletions (italics), Additions (bold)*

“Redetermination of Rent [24 CFR 983.302] - (pg. 17-59)

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PHA Policy (MTW)

An owner’s request for a rent increase must be submitted to the PHA **6090** days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing. In the event that the rent to owner for a PBV unit was initially approved at a rate exceeding the rent limits previously described in this section, a rent increase request will be denied but the rent to owner will not be decreased.”

“9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308] (pg. 9-14)

PHA Policy (MTW)

The PHA will not execute a new HAP contract where there are changes in lease requirements governing tenant or owner responsibilities for utilities or appliances. If the owner and the family agree to such changes, the PHA will require a copy of written agreement executed by the owner and the family. The PHA must receive a copy of the agreement at least 30 days before the changes go into effect.

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<sup>20</sup> 24 CFR § 982.308 (g)(4)

<sup>21</sup> ORS 90.323(3)(b)

<sup>22</sup> Home Forward, “Chapter 9.I-8. Changes in Lease or Rent,” Administrative Plan, pg. 9-14; and Home Forward, “Chapter 17-VIII.B Rent Limits,” Administrative plan, pg. 17-59.

The PHA will not execute a new HAP contract where there are changes in lease provisions governing the term of the lease. The PHA must receive a copy of the new lease agreement at least 30 days before the lease start date.

Where the owner is requesting a rent increase, the PHA will determine whether the requested increase is reasonable within 15 business days of receiving the request from the owner. The owner will be notified of the determination in writing.

Rent increases will go into effect on the first of the month following the ~~60~~**90** day period after the owner notifies the PHA of the rent change or on the date specified by the owner, whichever is later.”

Table 1. Summary of Informal Changes to Admin and ACOP

Policy/Regulation	Regulatory Flexibility	Public Housing (ACOP)	Housing Choice Voucher (Admin)	MTW Authority	Request of Board
Annual Examinations: Income Verification	HUD allowed PHAs to accept self-certification of income and waive use of EIV system until June 30, 2021.	Informal change to ACOP to accept self-certification of income and waive use of EIV until June 30, 2021.	Informal change to Admin Plan to accept self-certification of income and waive use of EIV until June 30, 2021.	Home Forward included an activity in our FY2021 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the proposed plan on October 7, 2020. Pending HUD approval.	Approve informal changes to ACOP and Admin Plans between April 14 and June 30, 2021
Interim Examinations: Income Verification	HUD allowed PHAs to accept self-certification of income and waive use of EIV system until June 30, 2021.	Informal change to ACOP to accept self-certification of income and waive use of EIV until June 30, 2021.	Informal change to Admin Plan to accept self-certification of income and waive use of EIV until June 30, 2021.	Home Forward included an activity in our FY2021 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the proposed plan on October 7, 2020. Pending HUD approval.	Approve informal changes to ACOP and Admin Plans between April 14 and June 30, 2021
Housing Quality Standards (HQS): Initial Inspections	HUD waived requirement to perform in person initial inspections and allowed PHAs to accept owner certification of unit condition. PHAs must complete initial inspection one year from date of owner certification.	None	Informal change to Admin plan to only perform initial inspections in vacant units and accept owner-certification in occupied units until June 30, 2021.	Home Forward submitted an amendment (Amendment 1) to our FY2020 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the amendment August 5, 2020. Pending HUD approval.	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Quality Standards (HQS): Biennial Inspections	HUD allowed PHAs to delay biennial inspections for TBV and PBV until June 30, 2021. PHAs must resume biennial inspections after June 30, 2021 and complete all delayed inspections by Dec 31, 2021.	N/A	Informal change to Admin plan to delay biennial inspections by one year from their due date absent the waiver.	Home Forward submitted an amendment (Amendment 1) to our FY2020 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the amendment August 5, 2020. Pending HUD approval.	Approve informal changes to Admin Plan between April 14 and June 30, 2021.

Housing Quality Standards (HQS): Interim Inspections	HUD waived requirement for PHAs to perform inspections within certain time frames if HQS violation is reported. Allows PHAs to accept owner documentation that issue has been resolved or didn't exist.	N/A	Informal change to Admin plan to accept owner documentation issue has been resolved or didn't exist in cases where unit is occupied.	Home Forward submitted an amendment (Amendment 1) to our FY2020 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the amendment August 5, 2020. Pending HUD approval.	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Quality Standards (HQS): Adding or Substituting Units	HUD waived requirement that PBV unit must be inspected prior to adding or substituting it in HAP contract and allows PHAs to accept owner certification. Requires inspection within 1 year of owners certification.	N/A	Informal change to Admin plan to accept owner certification of absence of life threatening conditions for one year in cases where unit is occupied.	Home Forward submitted an amendment (Amendment 1) to our FY2020 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the amendment August 5, 2020. Pending HUD approval.	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Choice Voucher (HCV): Oral Briefing	HUD waived requirement that family attend oral briefing prior to issuing their voucher. Allowed PHAs to share information in other forms.	N/A	Informal change to Admin plan to conduct briefing over the phone and with an expanded information packet.	Home Forward included an activity in our FY2021 MTW plan to maintain this regulatory flexibility. Home Forward's Board approved the proposed plan on October 7, 2020. Pending HUD approval.	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Choice Voucher (HCV): Extension of Voucher Term	HUD waived the requirement that PHAs must comply with policies in their admin plan related to extended voucher term.	N/A	Informal change to Admin plan to allow Home Forward to extend voucher term in extenuating circumstances, beyond current policy	None	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Choice Voucher (HCV): When HAP Contract is Executed	HUD extended the deadline by which PHAs must execute HAP contract from 60 days to 120 days from beginning of lease term.	N/A	Informal change to Admin plan to allow Home Forward to execute HAP contract no later than 120 days from beginning of lease term.	None	Approve informal changes to Admin Plan between April 14 and June 30, 2021.
Housing Choice Voucher (HCV): Absence from Unit	HUD waived the requirement the PHAs terminate assistance if	N/A	Informal change to Admin plan to allow Home Forward to not terminate	None	Approve informal changes to Admin Plan

	household has been absent from unit for more than 180 days until June 30, 2021		assistance if household was absent for more than 180 days		between April 14 and June 30, 2021.
Housing Choice Voucher (HCV): Automatic Termination of HAP contract	HUD waived the requirement that PHAs terminate the HAP contract 180 days after last payment until June 30, 2021	N/A	Informal change to Admin plan to allow Home Forward to not terminate assistance if last HAP payment was more than 180 days ago.	None	Approve informal changes to Admin Plan between April 14, 2020 and June 30, 2021.
Housing Choice Voucher: FUP youth age	HUD waived the requirement that youth must be no more than 24 years old to be eligible, and allows youth who are no more than 25 years old to be eligible.	N/A	Informal change to Admin plan to allow Home Forward to provide FUP assistance to a foster youth who is no more than 25 years old.	None	Approve informal changes to Admin plan between Dec 7, 2020 and June 30, 2021.
Housing Choice Voucher – FUP assistance length	HUD waived the requirement that a FUP youth receive no more than 36 months assistance and allows a 6-month extension for youth whose assistance term would expire between April 10, 2020 and June 30, 2021.	N/A	Informal change to Admin plan to allow Home Forward to provide a 6-month extension of assistance to FUP youth whose assistance would expire between December 7, 2020 and June 30, 2021.	None	Approve informal changes to Admin plan between Dec 7, 2020 and June 30, 2021.
Housing Choice Voucher – FUP referral timeframe	HUD waived the requirement that, to be eligible, youth must have left foster care or be leaving foster care in 90 days. Youth may now be eligible if they are leaving within 120 days.	N/A	Informal change to Admin plan to allow Home Forward to serve youth who are leaving foster care within 120 days between December 7, 2020 and June 30, 2021.	None	Approve informal changes to Admin plan between Dec 7, 2020 and June 30, 2021.
Housing Choice Voucher: Rent Increase Policy	Using our MTW authority, Home Forward is not approving rent increase requests from landlords in the Housing Choice	N/A	Informal change to Admin plan to allow Home Forward to not approve rent increase requests from landlord's in the	Home Forward's Board approved our FY2020 plan on October 15, 2019 and HUD approved the plan on June 26, 2019. The approved plan	Approve informal change to Admin plan between Sept 30, 2020 and Dec 31, 2021

	Voucher Program for CY2021.		Housing Choice Voucher program for CY2021.	included the authority to implement this activity.	
Public Housing: Annual Self Inspections	HUD waived the requirement that PHAs annually inspect each public housing property for calendar year 2020.	Informal change to ACOP to not complete annual inspections of each public housing project in Calendar Year 2020.	N.A	None	Approve informal change to ACOP between April 14, 2020 and Dec 31, 2020.
Housing Choice Voucher: Rent Increase Notice	None	N/A	Permanent technical change to Home Forward's Admin Plan to align rent increase notice requirements in the HCV and PBV program with State requirements.	None	Approve permanent change to Admin plan