Summary of Notice: CPD-22-09
HUD Issued Expedited Regulatory Waivers for ESG, CoC, YHDP & HOPWA Programs

Overview:
Due to the continued effects and spread of COVID-19, recipients of HUD-funded ESG, CoC, YHDP and HOPWA Programs are being notified of an expedited waiver process opportunity for certain regulatory requirements, in order to best assist communities and households economically impacted.

This expedited process only applies to the specific Programs - Projects listed below (a-l) and is valid for agreements executed between the effective date of the HUD-approved waiver and **March 31, 2023.**

If waivers are requested through both the expedited and general process, HUD may respond to the expedited request first.

HQS - Unit Inspection Update:
Physical Inspection Requirements may now be satisfied through the use of a proxy who conducts an inspection on behalf of the recipient or subrecipient using video streaming technology; video must be kept on file by recipient and subrecipient and both remain responsible for conduct of inspection and judgements regarding violations. If proxy inspections are conducted, they must adhere to standards as listed in the notice.

Resources:

- ★ HUD Issued Expedited Regulatory Waivers for ESG, CoC, ... - 6/15/22
- ★ CFR Title 24
- ★ Title 24 CFR Part 42
- ★ Title 24 CFR 574
- ★ Title 24 CFR 576
- ★ Title 24 CFR 578
- ★ Rent Reasonableness and FMR under the CoC Program
- ★ HUD'S PIH (Public & Indian Housing) Choice Voucher Handbook on Rent Reasonableness

Specifications for Waiver Requests:
Expedited waivers can be requested for the following programs and requirements:

Program - Project:	Waived Requirement:	Details:
a) CoC / YHDP - PH - RRH	Suitable Dwelling Size & HQSs	More than two people / room will be allowed; Waiver must be balanced w/ recommendation from public health officials, consistent with the *Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners*

b) CoC / YHDP	**FMR** for Individual Units & Leasing Costs	Grant funds may be used to pay for rent (must meet HUD's rent reasonableness standard) above FMR under leases executed before March 31, 2023 through the end of the lease (if it extends past March 31, 2023)
c) CoC / YHDP	One-year Lease Requirement	The one-year minimum timeframe is being waived so that recipients may execute leases for terms that are less than 1 year, so long as they are at least 1-month minimum
d) CoC / YHDP	PH - RRH 24-month Limit on Rental Assistance	The 24-month limit on rental assistance is being waived so that participants who are still in need of assistance and have reached the 24-month limit may continue to receive it from the effective date of HUD-approved waiver through March 31, 2023
e) CoC / YHDP - PSH	Disability Documentation	Written certification by the individual seeking assistance of qualifying disability will be acceptable documentation until March 31, 2023
f) ESG	Assisting Program Participants with Subleases	Recipients who are subleasing units from the primary leaseholder may continue to do so, and receive assistance, provided that: Sublease is legally valid Recipient has developed written policies that establish "owner" and "housing owner" to primary leaseholder and "lease" to program participant's sublease / lease with primary leaseholder
g) ESG	Durational Limits on Housing Relocation & Stabilization Services	The 30 day limit on provisional housing stability case management is extended to up to 60 days AND program participants may receive utility payment assistance past the 24-month limit if they are still in need of assistance in order to maintain housing stability
h) ESG	24-month Limit on Rental Assistance	Waiver requests can be made for participants who have met the 24-month rental assistance limit within allotted the 3-year time frame, so that they can continue to receive assistance past the 3-year limit
i) ESG	Restriction of Rental Assistance to Units w/Rent at or Below **FMR**	Rental assistance may be provided in units that are above FMR, as long as they follow HUD's rent reasonableness standard
j) HOPWA	Time limits for Short-Term Housing Facilities & Short-Term Rent, Mortgage, and Utility Payments	60-day limit waived to allow 120-day maximum within 6 months and 21-week limit waived to allow 52-week minimum within 52 weeks Waiver request must: Provide documentation that good faith efforts have been made to assist household(s) reach stability, yet were not able due to financial, health, and/or safety concerns

		Include written policies / procedures outlining these efforts, including assessments, processes & documentation of above-mentioned concerns Specify alternative desired limit (<52 weeks and 120 days respectively)
k) HOPWA	Space & Security	More than two people per room will be allowed and / or rooms may be reconfigured to allow for temporary quarantine services; request must justify why adequate space and security cannot be provided in accordance with standards
l) HOPWA	Self-Certification of Income & Credible Information on HIV Status	Written certification of HIV status and income will be accepted for eligibility, as long as source documentation is obtained within 90 days of receiving written certification; Project sponsors and guaranteed must provide justification for why source documentation cannot be provided

Submission Process:

1. Utilize the above processes to submit waiver request(s) via Appendix A (Optional Template; Page 11)
2. Email waiver request to SNAPSinfo@hud.gov
    a. Subject line: Expedited Pandemic Regulatory Waiver Requests
    b. Include:
        i. Name and Contact of Recipient / Point of Contact
        ii. Grant numbers for which waivers are requested
        iii. Specific waiver flexibilities requested
        iv. Justification for why waiver is needed
            1. What would happen if waiver is not obtained? How would it affect the recipient's ability to help people experiencing homelessness and therefore PLEs themselves?
        v. Waiver request must specify housing program period, which may not extend past March 31, 2023 **OR**
            1. Until the end of the Project's Period of Performance **OR**
            2. Until the end of the project's Approved Budget Period(s)
3. CPD will reply via email confirming that request has been received
4. Recipients will received a signed response to waiver request via email

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Summary provided by the Missouri Balance of State Continuum of Care - Lead Agency: Community Partnership of Southeast Missouri. This is meant to serve as a resource for understanding the reference notice from HUD. This summary is not an official document from HUD. For clarification, please refer to the language in the referenced HUD notice (Notice: CPD-22-09). Please contact support@moboscoc.org if you have any questions or require assistance.