

RIHOUSING RENTAL ASSISTANCE PROGRAM

Updated May 11, 2020

Please note: This is an ongoing and evolving public health crisis; effective dates and policy addendums may change as the response evolves.

Continuum of Care
Policies and
Procedures
Addendum to
Address COVID-19
Public Health Crisis

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Introduction

In December 2019, a new coronavirus known as SARS-CoV-2 was first detected. It has since caused outbreaks of the coronavirus disease COVID-19 that has spread globally. The first case was reported in the United States in January 2020 and in Rhode Island in March 2020. In March 2020, the World Health Organization declared the coronavirus outbreak a pandemic and the President declared the outbreak a national emergency. Since March 2020, Rhode Island has declared a state of emergency and made a disaster declaration; shut down large gathering places; and limited the movement of residents. As a consequence, many RICOC stakeholders and provider agencies are facing challenges in ensuring appropriate shelter and housing options are available for program participants who need to be separated from others because they are exhibiting symptoms; training staff on how to safely work with program participants and prevent spreading the virus; obtaining supplies to prevent the spread of the virus; and maintaining necessary staffing levels during the outbreak. Further, many program participants are suffering economic consequences from the mass shutdown of businesses and lack of availability of traditional mainstream benefits.

In response to COVID-19, on March 31, 2020 (announced April 1, 2020), HUD's Office of Community Planning and Development (CPD) released a memorandum¹ explaining the availability of waivers of consolidated plan requirements for formula programs and program-specific waivers for CPD programs, including the Continuum of Care program.

On April 3, 2020, RIHousing communicated to HUD that it intended to waive certain program requirements, as made available by the memorandum.

Wherever applicable, the addendum supersedes the currently adopted [RIHousing Rental Assistance Program Policies and Procedures Manual](#) until after State or National health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

The following sections describe Continuum of Care regulatory requirements that have been waived for various time lengths (descriptions provided) to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19.

¹ HUD CPD memorandum, [Availability of Waivers of CPD Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 for CoC, ESG, and HOPWA](#), 31 Mar 2020.

Waived Requirement 1: Disability Documentation for Permanent Supportive Housing

Regulatory Requirement:

A recipient providing PSH must serve individual and families where one member of the household has a qualifying disability (for dedicated projects and DedicatedPlus projects that individual must be the head of household). Further, the recipient must document a qualifying disability of one of the household members. When documentation of disability is the intake worker's observation, the regulation requires the recipient to obtain additional confirming evidence within 45 days.

Citation: 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)

Applicability: **For the 6-month period beginning on the date of the waiver memorandum (3/31/2020)**, the requirement to have third party documentation of disability that intake staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation requirement is waived for any program participants admitted into PSH funded by the CoC Program.

Other Provisions: For the purposes of individuals and families housed in PSH from the date of this memorandum until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19, a written certification by the individual seeking assistance that they have a qualifying disability is considered acceptable documentation approved by HUD under 24 CFR 578.103(a)(4)(i)(B)(5).

Suggested Subrecipient/Recipient Documentation:

- 1) Documentation of COVID-19 related constraints preventing collection of disability documentation such as shelter-in-place orders or office closures;
- 2) Copy of waiver notification sent to HUD (see Attachment 2 of this addendum);
- 3) Reference to approved emergency recordkeeping policies and procedures

Suggested Client Level Documentation:

- 1) Copies of certifications, such as self-certifications;
- 2) A note in the files of affected clients outlining application of the waiver and compliance with the timeframe.

Waived Requirement 2: Limit on Eligible Housing Search and Counseling Services

Regulatory Requirement:

With respect to program participant's debts, 24 CFR 578.53(ed)(8)(ii)(B) only allows the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. 24 CFR 578.53(d) limits the use of CoC Program funds for providing services to only those costs listed in the interim rule.

Citation: 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)

Applicability: **For the 1-year period beginning on the date of the waiver memorandum (3/31/2020)**, the limitation on eligible housing search and counseling activities is waived so that CoC Program funds may be used for up to 6 months of a program participant's utility arrears and up to 6 months of program participant's rent arrears, when those arrears make it difficult to obtain housing.

Other Provisions: Only applies when those arrears make it difficult to obtain housing. "Difficult to obtain housing" are situations where a program participant cannot access a new housing opportunity due to rent or utility arrears.

Suggested Subrecipient/Recipient Documentation:

- 1) A reference to the approved emergency recordkeeping policies and procedures outlining how grantee defines "difficulty obtain[ing] housing";
- 2) Copy of waiver notification sent to HUD (see Attachment 2 of this addendum)

Suggested Client Level Documentation:

- 1) Copies of certifications, such as self-certifications;
- 2) A note in the files of affected clients outlining application of the waiver and compliance with the timeframe, such as a past debt to a utility preventing utilities at new unit being turned on; or rental debts to a public housing authority preventing leasing up at that or another public housing authority.

Waived Requirement 3: Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Regulatory Requirement:

Recipients are required to physically inspect any unit supported with leasing or rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant.

Citation: 24 CFR 578.75(b)(1)

Applicability: **For the 6-month period beginning on the date of the waiver memorandum (3/31/2020)**, this waiver of the requirement in 24 CFR 578.75(b)(1) that the recipient or subrecipient physically inspect each unit to assure that the unit meets HQS before providing assistance on behalf of a program participant is in effect.

Other Provisions: Recipients and subrecipients must meet both the following criteria:

- The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before assistance is provided; and
- The recipient or subrecipient has written policies to physically reinspect the unit **within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary**. Units subject to lead-based paint hazard determination (units built before 1978 without lead clearance certification being occupied by a pregnant mother or child under six years old), should be prioritized in the reinspection schedule.

Suggested Subrecipient/Recipient Documentation:

- 1) A reference to the approved emergency recordkeeping policies and procedures outlining the reinspection process (see Attachment 1 of this addendum);
- 2) Copy of waiver notification sent to HUD (see Attachment 2 of this addendum)

Suggested Client Level Documentation:

- 1) A completed HQS inspection form noting the method of observation, date, and reference to the waiver;
- 2) By the 3-month deadline, a completed on-site inspection.

Waived Requirement 4: HQS – Re-Inspection of Units

Regulatory Requirement:

Recipients or subrecipients must inspect all units for which leasing or rental assistance funds are used, at least annually to ensure they continue to meet HQS.

Citation: 24 CFR 578.75(b)(2)

Applicability: **For the 1-year period beginning on the date of the waiver memorandum (3/31/2020),** this requirement in 24 CFR 578(b)(2) is waived.

Other Provisions: Recipients and subrecipients should consider the following

- For units with a history of physical inspection findings, or for units in which the owner of the property has a history of physical inspection findings at other properties, re-inspections should be scheduled when feasible. Decisions to re-inspect during this waiver period are at the discretion of the subrecipient.
- For any re-inspection conducted during the time of this waived requirement (3/31/2020 – 3/30/2021), the subrecipient, when it is feasible to conduct a re-inspection, should visually inspect the unit using technology, such as video streaming.
- Requests for special inspections, especially for health and safety purposes, should still be respected during this waiver period. Visual inspections can use technology such as video streaming.

Suggested Subrecipient/Recipient Documentation:

- 1) A reference to the approved emergency recordkeeping policies and procedures;
- 2) Copy of waiver notification sent to HUD (see Attachment 2 of this addendum)

Suggested Client Level Documentation:

- 1) A note in the files of affected clients

Waived Requirement 5: One-Year Lease Requirement

Regulatory Requirement:

Program participants residing in PSH must be the tenant on a lease for a term of at least one year that is renewable and terminable for cause.

Citation: 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(1)(1)

Applicability: **For the 6-month period beginning on the date of the waiver memorandum (3/31/2020),** the one-year lease requirement is waived.

Other Provisions: The initial lease term of all leases must be at least one month.

Suggested Subrecipient/Recipient Documentation:

- 1) Documentation outlining constraints related to 1-year lease requirement;
- 2) Copy of waiver notification sent to HUD (see Attachment 2 of this addendum);
- 3) A reference to the approved emergency recordkeeping policies and procedures

Suggested Client Level Documentation:

- 1) A note in the files of affected clients along with a copy of the lease indicating the term

Attachment 1: RIHousing Policy on Initial CoC Unit Inspection in response to COVID-19 Pandemic

Effective date: March 31, 2020

Expiration date: September 30, 2020 – unless extended by HUD

In response to the COVID-19 pandemic, RIHousing has changed its requirements for an initial physical inspection to determine conformity with HUD Housing Quality Standards (HQS) for all units assisted with leasing or rental assistance. In order to protect the health and well-being of program staff, staff will not be required to physically inspect units. However, no leasing or rental assistance shall be provided for any unit until such time as the recipient or sub-recipient has been able to conduct an initial visual inspection of the unit using remote technology such as video streaming to include video conference or chat using such platforms as Facetime, Google Duo, Skype or Zoom that allow both parties to share video images and talk.

The recipient or subrecipient must arrange with the owner or property manager to enable a designated person to video conference and to walk through the interior and exterior of the unit to be leased. The person conducting the HQS inspection on behalf of the recipient or subrecipient must verify that the unit being viewed is the unit being leased, for example via remote observation of the building and, if applicable, unit number. The inspector must also complete the HQS inspection form, noting on the first page of the form that this inspection has been conducted using remote video technology. If the recipient/sub-recipient does not uncover any HQS deficiencies through this remote inspection process, ESG, CoC rental assistance or CoC leasing funds may be provided for the unit. If significant deficiencies are uncovered that would threaten participant health and safety, they must be corrected, and a remote video inspection of the improvements must be conducted prior to providing ESG, CoC rental assistance or CoC leasing funds.

When the community at large has been informed by public health authorities that special measures to prevent the spread of COVID-19 are no longer necessary, the recipient/sub-recipient must conduct an in-person physical inspection of all units approved using remote technology. This in-person physical inspection must occur within three (3) months of the date on which health officials notify that the COVID-19 special measures are no longer required. Units subject to lead-based paint hazard determination (units built before 1978 without lead clearance certification being occupied by a pregnant mother or child under six years old), should be prioritized in the reinspection schedule.

This policy applies to initial unit inspections only; the requirement for annual re-inspections is waived until March 31, 2021. RIHousing will exercise waiver authority and will not conduct annual re-inspections until April 1, 2021.

Attachment 2: HUD COC COVID-19 Waiver Notification

HUD COC COVID-19 Waiver Notification

Date Waiver Notification Submitted: April 3, 2020

CoC Funds Recipient Agency: RIHousing

CoC Project Name: RI Continuum of Care Rental Assistance Program
RI0026L1T001811, RI0031L1T001811,
RI0068L1T001804, RI0083L1T001802,
RI0006L1T001811, RI0049L1T001804

CoC Grant Name: _____

Requestor’s Name: Eric Rollins

Requestor’s Title: RI CoC Program Representative

Requestor’s Phone Number: 401-457-1175

Requestor’s email: erollins@rihousing.com

Declared Disaster Area(s) where waiver will be used (INSERT THE LOCALITY(IES) OF YOUR UNITS)
State of Rhode Island

Date on which the grantee anticipates first use of the waiver flexibility: April 6, 2020

Item No.	Program	Item to be Waived	Check if yes
1	CoC	Fair Market Rent for Individual Units and Leasing Costs	
2	CoC	Disability Documentation for Permanent Supportive Housing (PSH)	X
3	CoC	Limit on Eligible Housing Search and Counseling Services	X
4	CoC	Permanent Housing-Rapid Re-housing Monthly Case Management	
5	CoC	Housing Quality Standards (HQS): Initial Physical Inspection of Unit	X
6	CoC	Re-Inspection of Units	X
7	CoC	One-Year Lease Requirement	X
8	Con Plan	HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Public Comment Period for Consolidated Plan Amendment	

9	Con Plan	HOME, CDBG, HTF, ESG, and HOPWA Programs – Citizen Participation Reasonable Notice and Opportunity to Comment	
10	ESG	HMIS Lead Activities	
11	ESG	Re-evaluations for Homelessness Prevention Assistance	
12	ESG	Housing Stability Case Management	
13	ESG	Restriction of Rental Assistance to Units with Rent at or Below FMR	