

June 17, 2021

From: Thomas Guerino, Interim Executive Director
To: Board of Commissioners
RE: Request to Amend Administrative Plan and Authorize Extension of Certain Regulator Waivers through Calendar Year 2021.

On May 8, 2020, the Board adopted Resolution 20-40, amending the GHA's Section 8 Administrative Plan to authorize the Executive Director to implement a series of about 20 regulatory waivers granted by HUD in response to the COVID-19 emergency. HUD's authorization, contained in PIH Notice 2020-05, has now been superseded by PIH Notice 2020-13, which allowed PHA's to adopt an extension the expiration dates of those regulatory waivers through December 31, 2020.

PIH Notice 2020-13 has since been superseded by PIH Notice 2020-33 which extended the expiration dates of those regulatory waivers through June 30, 2021.

PIH Notice 2020-33 has since been superseded by PIH Notice 2021-14 which extends the expiration dates of the regulatory waivers through December 31, 2021.

We request the Board extend my authority to implement several of the previously approved waivers through the end of August 2021.

These regulatory waivers have allowed the GHA to postpone certain administrative responsibilities, e.g. conducting Section 8 annual inspections, conducting annual income recertifications, conducting face-to-face meetings with participants, etc., until the COVID 19 emergency has abated.

Much of the routine administrative work in the GHA's Section 8 program has continued since the pandemic hit in March 2020, while some has stopped. For example, we stopped conducting annual inspections for a period of three months in year 2020. We have not held face-to-face voucher orientations since the beginning of 2020. The additional time allowed by HUD's latest waiver authorization will create a safer environment in which to catch up on the work suspended while the office was closed, and when it eventually re-opens to the public on July 1, 2021.

The attached table shows (highlighted) those waivers we request to extend. Again, HUD's latest waiver notice authorizes functions to be pushed back to December 31, 2021.

I ask that you adopt the following resolution:

RESOLUTION 21-55

Whereas, On May 8, 2020, in response to the COVID-19 emergency, the Board of Commissioners adopted Resolution 20-40, amending the Section 8 Administrative Plan by granting certain emergency powers to the Executive Director to operate the Section 8 program in emergency situations, and authorizing the Executive Director to implement certain regulatory waivers granted by HUD in Public Housing Notice 2020-05, and;

Whereas, on July 2, 2020, HUD issued Public Housing Notice 2020-13, which superseded the provisions of Public Housing Notice 2020-05 and extended the waivers through December 31, 2020, and;

Whereas, on November 30, 2020 HUD issued Public Housing Notice 2020-33, which superseded the provisions of Public Housing Notice 2020-13 and extended the waivers through June 30, 2021, and;

Whereas, On May 4, 2021 HUD issued Public Housing Notice 2021-14, which superseded the provisions of Public Housing Notice 2020-33 and extends the waivers through December 31, 2021, and;

Whereas, the waivers previously implemented by the Executive Director have achieved the goal of safely managing the GHA's Section 8 program, now therefore;

Be It Resolved, that the Board of Commissioners authorizes the Executive Director to implement the provisions of PIH Notice 2021-14 until December 31, 2021, the waivers previously adopted in Resolution 20-40, and further,

Be It Resolved, that notice of the extension of these waivers shall be provided to Owners and Participants by a posting on the GHA website.

Attachment I: Summary of Public Housing and HCV Waivers and Alternative Requirements
 (Refer back to the Notice using the item code for a full description and more detailed information.)

Notice PIH 2021-14 (ISSUED MAY 4, 2021)

This chart summarizes the waivers authorized under this Notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
PH and HCV-1 PHA 5-Year and Annual Plan Submission Dates: Significant Amendment Requirements	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)(2) <u>Regulatory Authority</u> §§ 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23	<ul style="list-style-type: none"> Alternative dates for submission Changes to significant amendment process 	<ul style="list-style-type: none"> Varies based on FYE 12/31/20 	Not Needed	
PH and HCV-2 Family Income and Composition: Delayed Annual Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> §§ 982.516(a)(1), 960.257(a)	<ul style="list-style-type: none"> Permits the PHA to delay the annual reexamination of income and family composition HCV PHAs must implement HCV-7 for impacted families if they implement this waiver 	<ul style="list-style-type: none"> 6/30/21 All reexams due in CY20 must be completed by 12/31/20. Reexams due between 1/1/21 and 12/31/21 would need to be completed by 12/31/21.	Implemented by authorizing ED to allow delay as needed	4/15/20
PH and HCV-3 Family Income and	<u>Regulatory Authority</u> §§ 5.233(a)(2), 960.259(c),	<ul style="list-style-type: none"> Waives the requirements to use the income 	<ul style="list-style-type: none"> 12/31/21 		4/15/20

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Composition: Annual Examination; Income Verification Requirements	982.516(a) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification <ul style="list-style-type: none"> PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later 		Accept through 8/31/2021	4/15/20
PH and HCV-4 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> §§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations 	<ul style="list-style-type: none"> 12/31/21 	Accept through 8/31/2021	4/15/20
PH and HCV-5 Enterprise Income Verification (EIV)	<u>Regulatory Authority</u> § 5.233	<ul style="list-style-type: none"> Waives the mandatory EIV monitoring requirements 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20

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Monitoring	<u>Sub-regulatory Guidance</u> Notice PIH 2018-18				
PH and HCV-6 Family Self-Sufficiency (FSS) Contract of Participation: Contract Extension	<u>Statutory Authority</u> Section 23(c)3 <u>Regulatory Authority</u> § 984.303(d)	<ul style="list-style-type: none"> FSS has a provision that indicates that PHAs can extend Participation Contracts by up to two years (beyond the original five) for "good cause." PHAs should consider pandemic-related issues as an "automatic" good cause 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20
PH and HCV-7 Waiting List: Opening and Closing; Public Notice	<u>Regulatory Authority</u> § 982.206(a)(2) <u>Sub-regulatory Guidance</u> Notice PIH 2012-34	<ul style="list-style-type: none"> Waives public notice requirements for opening and closing waiting list Requires alternative process 	<ul style="list-style-type: none"> 12/31/21 	Accept and utilize if centralized waitlist closes	4/15/20

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PH and HCV-8 Eligibility Determination: Income Verification	<u>Regulatory Authority</u> §§ 960.259(c), 982.201(e) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> • Waives the third-party income verification requirements for applicants, and will allow PHAs to consider self-certification as the highest form of income verification at admission • PHAs must review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	
PH and HCV-9 Eligibility Determination: Social Security Number and Citizenship Verification	<u>Statutory Authority</u> 42 USC 1436a(d)(2) <u>Regulatory Authority</u> §§ 5.216(b)(2), (g), (h), 5.218, 5.508(b)(2)(ii), (b)(3)(ii), (g) <u>Sub-regulatory Guidance</u> Notice PIH 2012-10	<ul style="list-style-type: none"> • Waives the requirements to obtain and verify social security number documentation and documentation evidencing eligible noncitizen status before admitting applicants to the HCV and Public Housing programs 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	

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		<ul style="list-style-type: none"> • PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. • Individuals admitted under this waiver must provide the required documentation within 90 days of admission to be eligible for continued assistance 			
HQS-1 Initial Inspection Requirements	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C) <u>Regulatory Authority</u> §§ 982.305(a), 982.305(b), 982.405	<ul style="list-style-type: none"> • Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies • Where self-certification was used, PHA must inspect the unit no later than 6/30/22 • Will include reminder that HQS waiver does 	<ul style="list-style-type: none"> • 12/31/21 • 6/30/22 	Waiver no longer needed as of 6/30/2021	4/15/20

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		not include a waiver of 24 CFR 35.1215, visual assessment for deteriorated paint			
HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units	<u>Statutory Authority:</u> Section 8(o)(8)(A) <u>Regulatory Authority:</u> §§ 983.103(b), 983.156(a)(1)	<ul style="list-style-type: none"> Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies Where self-certification was used, PHA must inspect the unit no later than 6/30/22 	<ul style="list-style-type: none"> 12/31/21 6/30/22 	Not applicable	
HQS-3 Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> Allows for extension of up to 30 days for owner repairs of non-life-threatening conditions 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20
HQS-4 HQS Initial Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii)	<ul style="list-style-type: none"> Under Initial HQS Alternative Inspection 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20

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Requirement: Alternative Inspection Option	<u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies <ul style="list-style-type: none"> • Where self-certification was used, PHA must inspect the unit no later than 6/30/22 	<ul style="list-style-type: none"> • 6/30/22 	Waiver no longer needed as of 6/30/2021	4/15/20
HQS-5 HQS Inspection Requirement: Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> • Allows for delay in biennial inspections • PHAs must require owner certification there are no life-threatening deficiencies • PHAs must conduct all delayed biennial inspections from CY 2020 as soon as reasonably possible but no later than 6/20/22, and must conduct all delayed biennial 	<ul style="list-style-type: none"> • 12/31/21 • 6/30/22 	GHA does not do Bi-annual inspections	

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		inspections from CY 2021 as soon as reasonably possible but no later than 12/31/22			
HQS-6 HQS Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F) <u>Regulatory Authority</u> §§ 982.405(g), 983.103(e)	<ul style="list-style-type: none"> • Waives the requirement for the PHA to conduct interim inspection and requires alternative method • Allows for repairs to be verified by alternative methods 	<ul style="list-style-type: none"> • 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20
HQS-7 PBV Turnover Unit Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> • Allows PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies • Allows for delayed full HQS inspection NLT than 6/30/22 	<ul style="list-style-type: none"> • 12/31/21 • 6/30/22 	Not applicable	
HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A)	<ul style="list-style-type: none"> • Allows for PBV units to be added or substituted in the HAP contract based on owner 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	

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	<u>Regulatory Authority</u> §§ 983.207(a), 983.207(b) <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	certification there are no life-threatening deficiencies <ul style="list-style-type: none"> Allows for delayed full HQS inspection NLT 6/30/22 	<ul style="list-style-type: none"> 6/30/22 		
HQS-9 HQS Quality Control Inspections	<u>Regulatory Authority</u> §§ 982.405(b), 983.103(e)(3)	<ul style="list-style-type: none"> Provides for a suspension of the requirement for QC sampling inspections 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20
HQS-10 Housing Quality Standards: Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. 	Remains in effect one year from lease term or date of this Notice, whichever is longer	Waiver no longer needed as of 6/30/2021	4/15/20

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HQS-11 Homeownership Option: Initial HQS Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> • Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments • Requires family to obtain independent professional inspection 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54(a)	<ul style="list-style-type: none"> • Establishes an alternative requirement that policies may be adopted without board approval until 9/30/21 • Any provisions adopted informally must be adopted formally by 12/31/21 	<ul style="list-style-type: none"> • 9/30/21 • 12/31/21 	Board Adoption See Resolution 2020-40	
HCV-2 Information When Family is Selected: PHA Oral Briefing	<u>Regulatory Authority</u> §§ 982.301(a)(1), 983.252(a)	<ul style="list-style-type: none"> • Waives the requirement for an oral briefing • Provides for alternative methods to conduct required voucher briefing 	<ul style="list-style-type: none"> • 12/31/21 	Accept through 12/31/2021	4/15/20

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
HCV-3 Term of Voucher: Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> Allows PHAs to provide voucher extensions regardless of current PHA policy 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20
HCV-4 PHA Approval of Assisted Tenancy: When HAP Contract is Executed	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> Provides for HAP payments for contracts not executed within 60 days PHA must not pay HAP to owner until HAP contract is executed 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-5 Absence from Unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> Allows for PHA discretion on absences from units longer than 180 days PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days 	<ul style="list-style-type: none"> 12/31/21 	Waiver no longer needed as of 6/30/2021	4/15/20

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HCV-6 Automatic Termination of HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically. 	<ul style="list-style-type: none"> 12/31/21 	Accept waiver through 8/31/2021	4/15/20
HCV-7 Increase in Payment Standard During HAP Contract Term	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination. 	<ul style="list-style-type: none"> 12/31/21 	Accept waiver through 8/31/2021	4/15/20
HCV-8 Utility Allowance Schedule: Required Review and Revision	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-9 Homeownership Option: Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> §§ 982.630, 982.636(d)	<ul style="list-style-type: none"> Waives the requirement for the family to obtain pre-assistance counseling 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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HCV-10 Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to increase age to 26 for foster youth initial lease up 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-11 Family Unification Program (FUP): Length of Assistance for Youth	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020, and December 31, 2020 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-12 Family Unification Program (FUP): Timeframe for Referral	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-13 Homeownership: Maximum Term of Assistance	<u>Regulatory Authority</u> § 982.634(a)	<ul style="list-style-type: none"> Allows a PHA to extend homeownership assistance for up to 1 additional year 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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HCV-14 Mandatory Removal of Unit from PBV HAP Contract	<u>Regulatory Authority</u> §§ 983.211(a); 983.258	<ul style="list-style-type: none"> Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 from the last HAP but does not extend beyond December 31, 2020 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
HCV-15 Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units	<u>Statutory Authority</u> 42 U.S.C. § 1437a(b)(3)(A) <u>Regulatory Authority</u> 24 CFR §§ 983.253(b), 983.260 <u>Sub-regulatory Guidance</u> Notice H 2019-9/PIH 2019-23, Notice PIH 2016-02	<ul style="list-style-type: none"> Allows a PHA to permit 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 described, 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. 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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PH-1 Fiscal Closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b), 2 CFR § 200.344(a)	<ul style="list-style-type: none"> Extension of deadlines for closeout documents (ADCC and AMCC) 	Varies by PHA; For grants that were open on March 19, 2020, the deadline for submission of grant closeout documents (ADCCs and AMCCs) is extended from 120 days to one year.	Not applicable	
PH-2 Total Development Costs	<u>Regulatory Authority</u> § 905.314(c) - (d)	<ul style="list-style-type: none"> Waives the TDC and HCC limits permitting approval of amounts in excess of published TDC by 25% to 50% on a case-by-case basis 	Applies to development proposals submitted to HUD no later than December 31, 2021	Not applicable	
PH-3 Cost and Other Limitations: Types of Labor	<u>Regulatory Authority</u> § 905.314(j)	<ul style="list-style-type: none"> Allows for the use of force account labor for modernization without HUD approval regardless of whether the PHA is a high performer 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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PH-4 ACOP: Adoption of Tenant Selection Policies	<u>Regulatory Authority</u> § 960.202(c)(1)	<ul style="list-style-type: none"> Establishes an alternative requirement that policies may be adopted without board approval until 9/30/21 Any provisions adopted informally must be adopted formally by 12/31/21 	<ul style="list-style-type: none"> 9/30/21 12/31/21 	Not applicable	
PH-5 Community Service and Self-Sufficiency Requirement (CSSR) – superseded by 12.e.	<u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> §§ 960.603(a) and 960.603(b)	<ul style="list-style-type: none"> Temporarily suspends CSSR 	<ul style="list-style-type: none"> N/A – this waiver is superseded by 12.e. 	Not applicable	
PH-6 Energy Audits	<u>Regulatory Authority</u> § 965.302	<ul style="list-style-type: none"> Allows for delay in due dates of energy audits 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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PH-7 Over-Income Families	<u>Statutory Authority</u> Section 16(a)(5) <u>Sub-regulatory Guidance</u> Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490, Notice PIH 2019-11	<ul style="list-style-type: none"> Changes to timeframes for determination of over-income when a delay in the annual reexamination occurs as a result of adoption of waiver PH and HCV-2 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
PH-8 Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	<ul style="list-style-type: none"> Provides for delay in resident council elections 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
PH-9 Review and Revision of Utility Allowance	<u>Regulatory Authority</u> § 965.507	<ul style="list-style-type: none"> Provides for delay in updating utility allowance schedule 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
PH-10 Tenant Notifications for Changes to Project Rules and Regulations	<u>Regulatory Authority</u> § 966.5	<ul style="list-style-type: none"> Advance notice not required except for policies related to tenant charges 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
PH-11 Designated Housing Plan Renewals	<u>Statutory Authority</u> Section 7(f)	<ul style="list-style-type: none"> Extends the Plan's effective period through June 30, 2021 for Plans due to expire between July 2, 2020 and June 30, 2021 	<ul style="list-style-type: none"> 6/30/21 	Not applicable	
PH-12 Public Housing Agency Annual Self-Inspections	<u>Statutory Authority</u> Section 6(f)(3) <u>Regulatory Authority</u> § 902.20(d)	<ul style="list-style-type: none"> Waives the requirement that the PHA must inspect each project 	<ul style="list-style-type: none"> 12/31/20 	Not applicable	
PH-13 Over-Income Limit: Termination Requirement	<u>Statutory Authority</u> Section 16(a) as amended by section 103 of HOTMA Implementation Notice: Housing Opportunity Through Modernization Act of 2016: Final Implementation of Public Housing Income Limit, 83 Fed. Reg. 35,490 (July 26, 2018)	<ul style="list-style-type: none"> Waives 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, over-income families will remain public housing households instead of 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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		being terminated and will be charged the applicable FMR as the family's monthly rental amount			
PH-14 Annual Choice of Rent	<u>Statutory Authority:</u> 42 USC 1437a(a)(2)(A) <u>Regulatory Authority</u> § 960.253	<ul style="list-style-type: none"> Allows a PHA to give families up to two opportunities to choose between a flat rent and an income-based rent within the same one-year period 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
11a PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	<ul style="list-style-type: none"> Allows for alternatives related to inspections PHA to retain prior year PHAS score unless requests otherwise 	HUD will carry forward the most recent PHAS score on record for any PHAs with a fiscal year on or before 12/31/21	Not applicable	
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	<ul style="list-style-type: none"> PHA to retain prior year SEMAP score unless requests otherwise 	HUD will carry forward the most recent SEMAP score on record for any PHAs with a	GHA submitted new SEMAP score to HUD as of 5/27/21	

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			fiscal year on or before 12/31/21		
11b-1 SEMAP	<u>Regulatory Authority</u> § 985.105(d)	<ul style="list-style-type: none"> Allows field offices to perform a remote SEMAP confirmatory review instead of an on-site confirmatory review before changing a PHA's rating from troubled to standard or high performer 	<ul style="list-style-type: none"> 12/31/21 	GHA submitted new SEMAP score to HUD as of 5/27/21	
11b-2 SEMAP	<u>Regulatory Authority</u> § 985.101(a)	<ul style="list-style-type: none"> Waives the requirement for PHAs to submit an annual SEMAP certification in PIC within 60 days of FYE during the period of time that HUD will roll forward prior year SEMAP scores 	<ul style="list-style-type: none"> 1/1/22 	GHA submitted new SEMAP score to HUD as of 5/27/21	
11c Uniform Financial Reporting Standards: Filing of Financial	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> Allows for extensions of financial reporting deadlines 	Varies by PHA FYE	Accept	4/15/20

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Reports; Reporting Compliance Dates					
12a PHA Reporting Requirements on HUD Form 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> Notice PIH 2011-65	<ul style="list-style-type: none"> • Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action 	<ul style="list-style-type: none"> • 12/31/20 	Not applicable any longer	4/15/20
12b Designated Housing Plans: HUD 60-Day Notification	<u>Statutory Authority</u> Section 7(c)(1)	<ul style="list-style-type: none"> • Allows for HUD to delay notification about designated housing plan 	<ul style="list-style-type: none"> • 7/31/20 	Not applicable	
12c Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	<ul style="list-style-type: none"> • Provides a 24-month extension 	For all Capital Fund grants that were open on April 10, 2020, a 24-month extension from the obligation and expenditure end date in LOCCS as of April 10, 2020; For new Capital Fund grants	Not applicable	

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			opened between April 11, 2020 and December 31, 2020, a 24-month extension from the obligation and expenditure end dates in LOCCS as of December 31, 2020.		
12d Section 6(j) 1- and 2-Year Substantial Improvement Requirements	<u>Statutory Authority</u> Section 6(j)(3)(B)(ii) <u>Regulatory Authority</u> 24 CFR § 902.75(d)	<ul style="list-style-type: none"> For PHAs designated as troubled prior to the date of this Notice that have not received a PHAS assessment for the first full fiscal year after the initial notice of the troubled designation, HUD will: (1) evaluate the 1-year substantial improvement benchmark based on the first released score for fiscal years ending on or after March 31, 2022 	The period of availability for this waiver and alternative requirement: (1) is effective on the date of this Notice; and (2) will continue through March 31, 2023, at which time HUD will reevaluate any additional impacts of this waiver on any PHA in the	Not applicable	

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		and, (2) toll the evaluation of the 2-year recovery benchmark to the next sequential fiscal year	process of being evaluated.		
12e Community Service and Self-Sufficiency Requirement (CSSR) suspension	<u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> 24 CFR §§ 960.603(a), 960.603(b), 960.607, 966.4(l)(2)(iii)(D)	<ul style="list-style-type: none"> • Waives the requirement that each non-exempt adult resident of public housing contribute 8 hours per month of community service and/or participation in an economic self-sufficiency program. This non-discretionary waiver also suspends enforcement of the requirement by all PHAs operating a public housing program 	Effective for all annual reexaminations completed between the publication date of this notice through April 30, 2022.	Not applicable	
MR-1 Family Income and Composition: Delayed Annual Examination	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> 24 CFR § 882.515(a)	<ul style="list-style-type: none"> • Waives statutory and regulatory requirement to permit PHAs to delay annual reexaminations of Mod Rehab families 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	

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MR-0 Family Income and Composition: Annual examination; Income Verification Requirements	<u>Regulatory Authority:</u> §5.233(a)(2) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> • Waives the requirements to use the income hierarchy described by Notice PIH 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 reexam rather than delaying the family's annual reexam as permitted under MR-1 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	
MR-3 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> 24 CFR §§ 5.233(a)(2), 882.515(b)	<ul style="list-style-type: none"> • Waives requirements to use the income verification hierarchy as described by Notice PIH 2018-18. Allows PHAs to forgo 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
	<u>Sub-regulatory Guidance</u> Notice PIH 2018-18	third-party income verification requirements for interim reexams, including the required use of EIV <ul style="list-style-type: none"> • During the allowable period of eligibility, PHAs may consider self-certification as the highest form of income verification to process interim reexams 			
MR-4 Enterprise Income Verification (EIV) Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	<ul style="list-style-type: none"> • Waiving the mandatory EIV monitoring requirements. 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	
MR-5 PHA Inspection Requirement: Annual Inspections	<u>Regulatory Authority</u> § 882.516(b)	<ul style="list-style-type: none"> • Waives the annual inspection requirement and allows PHAs to delay annual inspections for Mod Rehab units 	<ul style="list-style-type: none"> • 12/31/21 	Not applicable	

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption.
		<ul style="list-style-type: none"> All delayed annual inspections must be completed as soon as reasonably possible but no later than one year after the date the annual inspection would have been required absent the waiver 			
MR-6 Adjustment of Utility Allowance	<u>Regulatory Authority</u> § 882.510	<ul style="list-style-type: none"> Waives the requirement to allow PHAs to delay the review and update of utility allowances 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
MS-1 Mainstream Initial Lease Term	<u>Statutory Authority</u> Section 8(o)(7)(A) <u>Regulatory Authority</u> § 982.309(a)(2)(ii)	<ul style="list-style-type: none"> PHA may enter initial lease terms of less than one year regardless of whether the shorter lease term is a prevailing market practice 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	
MS-2 Mainstream Criminal Background Screening	<u>Statutory Authority</u> 42 U.S.C. 13663(a), 42 U.S.C. 13661	<ul style="list-style-type: none"> PHAs may establish, as an alternative 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

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	<u>Regulatory Authority</u> §§ CFR 5.856, 982.553(a)	requirement, screening requirements for applicants for Mainstream vouchers which are distinct from those in place for its HCV program in general			
MS-3 Mainstream Age Eligibility to Enter HAP Contract Statutory Authority	<u>Statutory Authority</u> 42 U.S.C. 8013(k)(2)	<ul style="list-style-type: none"> As an alternative requirement, the PHA may choose to expand the definition of an eligible non-elderly family member to include those who were issued a voucher prior to turning 62 and were not yet 63 on the effective date of the HAP Contract 	<ul style="list-style-type: none"> 12/31/21 	Not applicable	

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

COVID-19 Statutory and Regulatory Waivers for ONAP programs		
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary
13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements	Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218; 1000.220; 1000.224; 1000.226; 1000.228; 1000.230; and 1000.232	<i>Abbreviated IHP to Receive IHBG-CARES Grant Funding:</i> Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.
		<i>Recipients that did Not Submit an IHP in FY2020:</i> A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.
		<i>IHP Certifications:</i> IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.
		<i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

13b. IHP Submission Deadline for Annual IHBG Formula Grants	Statutory Authority: Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225	IHP Submission Deadlines Extended	Original IHP Due Date	Extension
			1/17/2020	10/16/2020
			4/17/2020	10/16/2020
			7/18/2020	1/17/2021
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	APR Submission Deadlines Extended	Original APR Due Date	Extension
			3/30/2020	9/27/2020
			6/29/2020	12/30/2020
			9/30/2020	12/30/2020
13d. Income Verification	Regulatory Authority: 24 CFR § 1000.128	IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email.		
13e. Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-CARES funding to carry out a wide range of public health services.		

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

<p>13f. COVID-19-Related Assistance to Non-Low Income and Non-Native Families</p>	<p>Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110, 1000.312, 1000.314, 1000.318</p>	<p>Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status.</p>
<p>13g. Useful Life</p>	<p>Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147</p>	<p>If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life.</p>
<p>13h. Total Development Cost (TDC) Limits</p>	<p>Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162</p>	<p>Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.</p>
<p>13i. Prohibition Against Investment of CARES Act Grant Funds</p>	<p>Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58</p>	<p>Recipients are prohibited from investing any IHBG funding provided under the CARES Act.</p>

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

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Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

13j. IHBG-CARES Funds Not Counted in Undisbursed Funds Factor	Regulatory Authority: 24 CFR § 1000.342	IHBG-CARES funds will not count towards an IHBG recipient's prior years' undisbursed funds when applying the Undisbursed Funds Factor under the IHBG formula.
14a. Citizen Participation	Statutory Authority: Section 104 of the Housing and Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604	Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2019/2020 ICDBG grants to address COVID-19.
14b. Application Process for ICDBG-CARES Grants and Funding Criteria Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY19/20 ICDBG Notice of Funding Availability (NOFA)	1) <i>Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2019/2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed.	
	2) <i>Grant Ceilings:</i> Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future.	
	3) <i>Reimbursement of Costs and Letter to Proceed:</i> ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP.	

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

		<p><i>4) Availability of Funds:</i> If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs.</p>
<p>14c. Removal of Public Services 15 Percent Cap under FY 2019 and FY 2020 ICDBG Grants</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA</p>	<p>HUD is eliminating the 15 percent cap on FY 2019/2020 ICDBG funding (both Single Purpose and Imminent Threat grants).</p>
<p>14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)</p>	<p>ICDBG grant funds may be used to provide emergency payments for low- and moderate-income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.</p>
<p>14e. Purchase of Equipment</p>	<p>Regulatory Authority: 24 CFR §§ 1003.207(b)(1);</p>	<p>Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the</p>

Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

	1003.201(c)(1)(ii)	COVID-19.
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Attachment II: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements

14f. Operating Expenses for Public Facilities	Regulatory Authority: 24 CFR § 1003.207(b)(2)	Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.
14g. New Housing Construction by Tribes	Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)	ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.