

## [HUD's CoC, ESG, HOPWA Waiver Quick Reference](#)

This is quick reference and is not official guidance from HUD.

- Guidance was compiled as a quick reference while official guidance from HUD is pending.
- Link to actual waiver document is in title of document; confer with language for complete information.
- As HUD releases resources about using the waiver, defer to those.
- Work with your local HUD Field Office to obtain clarification or confirmation of how to use or document using the waivers.

### **Required notification process**

- Recipients must provide notification in writing (mail or email) to the CPD Director of the HUD Field Office no less than two days before the recipient anticipates using the waiver flexibility. Example: Notify 4/2/2020- effective 4/4/2020

### **Documenting Use of Waivers**

- Recipients must keep on file documented local rationale for 1.) requesting the waivers 2.) and use of the waivers on a participant-level basis.
- Drafting a set of emergency policies and procedures are highly encouraged by HUD and should be kept on file for recipients and sub-recipients' future monitoring visits.

### **Sections of Quick Reference Document**

- [Continuum of Care Waivers](#)
- [Consolidated Plan Waivers](#)
- [Emergency Solutions Grant Waivers](#)
- [HOPWA Waivers](#)

## CoC Program

Waiver	Duration	Dates of Duration	Suggested Documentation to Keep on File
1. Leasing projects may pay above FMR, but not greater than rent reasonableness for any lease executed during the waiver period	6 months	Start Date- 9/30/2020	<i>Recipient:</i> Documentation FMR is impeding ability to find units in community <i>Participant Level:</i> lease w/execution date; note in file using FMR waiver with reason; rent reasonableness documentation.
2. PSH Disability Documentation <ul style="list-style-type: none"> <li>May use self-certification of disability until public health officials deem the crisis over</li> <li>May use intake worker observation of disability during 6 month waiver period</li> </ul>	<u>Self Cert:</u> Duration of public health crisis  <u>Intake Worker Observation:</u> 6 months	Start Date- until local officials deem crisis over  Start Date- 9/30/2020	<i>Recipient:</i> Documentation of local conditions that constrain verifying disability (shelter in place, office closures, overburdened healthcare system) <i>Participant Level:</i> Self cert with note within waiver timeline along with rationale to use waiver provision.
3. Housing search and counseling services may pay up to 6 months of rental or utility arrears to remove barriers to obtaining housing.	1 year	Start Date- 3/31/2021	<i>Recipient:</i> P/P's defining "difficulty to house" for use of waiver <i>Participant Level:</i> Documentation of inability to find housing due to rent/utility arrears.
4. RRH monthly case management requirement is waived	2 months	Start Date- 5/31/2020	<i>Recipient:</i> Doc. Limited staff capacity, shelter in place order, other local conditions <i>Participant Level:</i> Note in file explaining rationale to use waiver for affected participants.
5. HQS Initial Inspection- Physical inspection is waived if recipient can 1.) visually inspect the unit using technology and 2.) has written policies to physically re-inspect the unit within 3 months after health officials determine special measures to prevent the spread of COVID-19 are no longer necessary	6 months	Start Date- 9/30/2020	<i>Recipient:</i> P/P's outlining HQS process and conducting in-person after waiver expires. <i>Participant Level:</i> HQS form noting method used, date and that waiver was used; by 3-month deadline, a completed on-site HQS
6. HQS Annual Inspection- Waived	1 year	Start Date- 3/31/2021	<i>Recipient:</i> P/P's outlining HQS process <i>Participant Level:</i> Note in file explaining rationale to use waiver for affected participants.
7. One-year lease requirement for permanent housing programs is waived. Initial lease terms executed during the waiver period must be more than one month.	6 months	Start Date- 9/30/2020	<i>Recipient:</i> Documentation of local conditions that constrain securing 1 year leases <i>Participant Level:</i> Copy of lease w/dates and term; note in file explaining rationale to use waiver for affected participants.

## Consolidated Plan Requirements

Waiver	Duration	Dates of Duration	Suggested Documentation to Keep on File
8. 30 day minimum public comment period may be replaced with a 5 day public comment period; applies to substantial amendments in Con Plan (CDBG, HOME, HTF, HOPWA, ESG)	Through the end of the recipient's 2020 program year	N/A	<i>Recipient:</i> 1) Documentation of the need to expedite the amendment and demonstrating both publication and 5-day comment period; 2) A record of all comments received, and responses must be submitted with the amendment
9. Citizen participation requirement is waived	Through the end of the recipient's 2020 program year	N/A	<i>Recipient</i> 1) Policies and procedures including the definition of "reasonable notice and opportunity to comment"

## ESG

*Note: These waivers apply to the existing ESG formula grants; ESG CARES funds may have a set of different waivers once HUD publishes the notice that regulates these funds. Once the notice(s) are published, the chart will be updated to reflect both ESG and ESG CARES provisions.*

Waiver	Duration	Dates of Duration	Suggested Documentation to Keep on File
10. Any recipient can use ESG funds to pay costs of upgrading and enhancing HMIS for COVID reasons; the recipient does not need to have the HMIS Lead designation during the waiver time period.	6 months	Start Date-9/30/2020	<i>Recipient</i> Documentation of the need to upgrade or enhance the HMIS as a result of COVID-19 and that it met the "necessity" threshold established in the policies and procedures
11. Homelessness prevention re-evaluations for assistance may be done every 6 months instead of every 3 months	1 year	Start Date-3/31/2021	<i>Recipient</i> Documentation of local need to keep participants housed during COVID response; <i>Participant Level:</i> 1) A note in the files of affected clients explaining use of waiver; 2) and documentation of 6-month requirement.
12. HP & RRH monthly case management requirement is waived	2 months	Start Date-5/31/2020	<i>Recipient</i> Documentation of limited staff capacity, shelter-in-place order, or similar COVID-19 related impediment; <i>Participant Level:</i> A note in the files of affected clients explaining use of this waiver
13. RRH & HP may pay above FMR, but no greater than rent reasonableness for leases executed during the waiver period.	6 months	Start Date-9/30/2020	<i>Recipient:</i> Documentation FMR is impeding ability to find units in community <i>Participant Level:</i> lease w/execution date; note in file using this waiver with reason; rent reasonableness documentation.

HOPWA

Waiver	Duration	Dates of Duration	Suggested Documentation to Keep on File
14. Self-certification of HIV status and income for HOPWA eligibility; recipient must obtain source documentation within 3 months after public health deem the crisis over	Duration of public health crisis	Start Date- until local officials deem crisis over	<i>Recipient:</i> Documentation of COVID-19 related constraints preventing collection of income and HIV verification documentation such as shelter-in-place orders or office closures <i>Participant Level:</i> A note in the file of affected clients of why waiver was used; copy of self-certs.
15. Allows grantees to establish rent standards for TBRA by unit size that are reasonable and based upon rents being charged for comparable unassisted units in the area, taking into account location, size, type, quality, amenities, facilities, management and maintenance of each unit.	1 year	Start Date- 3/31/2021	<i>Recipient:</i> Documentation outlining the recipient’s difficulty in obtaining housing at the current rent standard; <i>Participant Level:</i> A copy of the application of the revised rent standard to the client’s unit, including rent reasonableness documentation.
16. HQS Initial Inspection- Physical inspection is waived if recipient can 1.) visually inspect the unit using technology and 2.) has written policies to physically re-inspect the unit after health officials determine special measures to prevent the spread of COVID-19 are no longer necessary	1 year	Start Date- 3/31/2021	<i>Recipient:</i> P/P’s outlining HQS process and conducting in-person after waiver expires. <i>Participant Level:</i> HQS form noting method used, date and that waiver was used; a completed on-site HQS after officials determine special measures to prevent the spread of COVID-19 are no longer necessary
17. Space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.	Allotted quarantined time frame recommended by local healthcare professionals	Start Date-allotted quarantined time frame recommended by local healthcare professionals	<i>Recipient:</i> Documentation of the need for quarantine space as a result of COVID-19; <i>Participant Level:</i> 1) Documentation demonstrating quarantine recommendation of local health-care professionals including the timeframe for quarantine; 2) a note in the file of affected clients outlining the application of the waiver.