



Austin / Travis County Continuum of Care Interim Recordkeeping Standards & Operating Guidance During the COVID-19 Emergency

Updated 10.6.2020

The TX 503 Austin / Travis County Continuum of Care (CoC) has developed the following interim guidance regarding recordkeeping during the COVID-19 emergency. The first priority of CoC service providers is to continue to house and serve program participants during the emergency, while prioritizing the safety and health of participants and staff. This interim guidance was developed in partnership with the local Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) office and should be utilized as HUD's Office of Special Needs Assistance Programs (SNAPS) provides further guidance.

COVID-19 Emergency Situation

On March 13, 2020, ECHO, the Lead Agency for Austin / Travis County CoC, released a [Call to Action](#) regarding the COVID-19 Emergency. On March 24, 2020, Mayor Adler issued [Order No. 20200324-007](#), more commonly known as the "Stay Home - Work Safe Order," requiring all City of Austin / Travis County community members to stay home or in their place of residence except to perform certain essential activities, or to perform work in or obtain service from an Essential Business, Essential Government Service, or Critical Infrastructure. Page 34 contains a timeline of orders and guidelines released by the City of Austin and Travis County in response to the local COVID-19 response.

COVID-19 Conclusion

The Austin / Travis County Continuum of Care will recognize the end of the COVID-19 Crisis when the City of Austin Public Health declares a cessation of the COVID-19 Emergency.

COVID-19 Emergency Recordkeeping Guidance

The following interim guidance ensures accordance with 24 CFR § 578.103(a). Agencies must establish standard operating procedures that ensure that **Continuum of Care (CoC)** program funds are used in accordance with the requirements of 24 CFR § 578 and that sufficient records are maintained to enable HUD to determine whether the agency, as a recipient or subrecipient, is meeting these requirements. During emergency situations, agencies should make every effort to ensure the order of preference for documentation is maintained.

This Interim Recordkeeping Standards and Operating Guidance is intended to provide guidance to Continuum of Care recipient and subrecipient agencies in utilizing the waiver provisions described in the [HUD memorandum issued on April 1, 2020](#).

This Interim Recordkeeping Standards and Operating Guidance has been updated to include waiver provisions described in [HUD memorandum issued May 22nd, 2020](#) and [HUD memorandum issues October 2nd, 2020](#).

Recipient and subrecipient agencies of **Emergency Solutions Grants (ESG)** and **Housing Opportunities for Persons with AIDS (HOPWA)** should communicate with funding entities to receive guidance regarding the applicability of waivers and utilizing waived requirements.

Waivers

HUD has issued the 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 as published March 31, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. In accordance with 24 CFR § 5.110, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. Additional regulatory waiver authority is provided in 24 CFR § 91.600. These regulatory provisions provide HUD the authority to make waiver determinations for the ESG, CoC, and HOPWA Programs and consolidated planning requirements for all CPD formula programs. Recipients must follow the guidelines and instructions when waivers are made available.

HUD issued the [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#) on May 22, 2020 to waive some recordkeeping requirements in light of the COVID-19 emergency situation.

HUD issues the [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#) on October 2nd, 2020 which allowed further flexibilities, as well as expanding or adjusting previous waived activities. Recipients must follow the guidelines and instructions when waivers are made available.

Recipients wishing to utilize any of the waivers provided in the memorandum should notify their local CPD Director by email of their intent to utilize a specific waiver flexibility two days before they anticipate using the waiver flexibility. Recipients must maintain documentation of authorization request and approval.

When requesting waivers, programs must also notify the local Continuum of Care Lead Agency (ECHO) to provide documentation associated with the waiver application, approval, and provisions. After authorization has been approved, recipients must create and/or update agency/program policies and procedures/written standards of how waivers and the activities associated with the waiver will be carried out and what documentation must be collected in order to comply with waiver regulations.

Recipients must updated their notification with the Field Office if they desire to utilize waived flexibilities which have been extended.

Limit on Eligible Housing Search and Counseling Services Definition

For the purpose of CoC Waiver #3 (Limit on Eligible Housing Search and Counseling Service), the Austin / Travis County Continuum of Care has adopted the following definition for “Difficulty to obtain housing.”

Difficulty to obtain housing is defined by, but not limited to:

- Client has expressed goal of moving into stable housing.
- A landlord, apartment management company, or similar entity requires housing applicants do not have rental and/or utility arrears.
- Rental and/or utility arrears cause the rejection of the housing application.
- Utility arrears prohibits an individual’s ability to begin utility services to the identified housing unit.

Document	Instructions	Page
Local Justification Guidelines	Document provides specific examples CoC-funded program staff can utilize when documenting the reasons and justifications needed for documentation standards when applying each waiver. Documentation outlining the justification must be maintained in Agency program files and follow HUD requirements.	4
COVID-19 Crisis Response: Operations and Procedures	Document offers a template to be added to Agency's Project Policies and Procedures Manual outlining acceptable procedures during the COVID-19 emergency situation. Agency can add as an addendum to existing Program Policies and/or Written Standards and can be referred back to during future monitoring visits.	8
COVID-19 Waiver Documentation Guidance	Document outlines recordkeeping procedures to comply with the corresponding waivers. Agency can add as an addendum to existing Program Policies and/or Written Standards and can be referred back to during future monitoring visits.	10
Interim Guidance: Housing Inspections in Emergency Situations	Document outlines acceptable recordkeeping procedures to comply with Waiver #5 Housing Quality Standards (HQS) – Initial Physical Inspection of Unit.	20
COVID-19 Client File Templates	Documents offer template memo to participant files to document participants whose services or eligibility documentation applicable to waived requirements.	22
Waiver Expiration Timeline	Documents waiver memorandum publication and expiration timeline.	34
Local Ordinances	Documents the history of local ordinances with regard to the COVID-19 crisis.	36

Provisions that are not specifically waived remain in full effect.



Austin / Travis County Continuum of Care Local Justification Guidelines

Due to the COVID-19 Emergency Situation, The Austin / Travis County Continuum of Care recognized the following local conditions which place restrictions and burdens on CoC Project recipients' abilities to comply with select federal regulations of 24 CFR § 578. Due to these conditions, the Continuum of Care has compiled the following recommended documentation when maintaining records of waiver justification. Recipients are strongly encouraged to review HUD guidance:

- [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 \(published April 2020\).](#)
- [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(published May 22, 2020\)](#)
- [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(published October 2nd, 2020\)](#)

Description of the local conditions in which waiver support is deemed necessary:

Fair Market Rent for Individual Units and Leasing Costs

1. Due to the COVID-19 Emergency, local FMR limits were delaying the ability to secure available units for program participant.
 - a. If applicable: Program participant meets high-risk criteria for COVID-19 complications as outlined by the CDC. Exceeding FMR allowed program to quickly secure stable housing option in order to reduce the changes of exposure to COVID-19 from congregate shelter stays and/or unsheltered homelessness.
2. Local FMR is set at 0br: \$988; 1br: \$1,134; 2br: \$1,356; 3br: \$1,763; 4br: \$2,128. Due to the COVID-19 Emergency, housing vacancies are minimal and the City of Austin Eviction Memorandum have further tightened the housing/rental market and reducing unit turnover and availability.
3. Current FMR limits require a majority of participant to seek housing within class c residences (affordable housing market), those most effected by the COVID-19 emergency situation and Austin Eviction Moratorium.
4. Due to increased unemployment rate in Austin/Travis County as a direct result of the COVID-19 crisis response, housing options within FMR range has become more competitive; leaving our client population to compete for units with others who may be experiencing financial hardship and searching for more affordable units.

Disability Documentation for Permanent Supportive Housing (PSH)

1. On March 24, 2020, Austin Mayor Adler issued Order No. 20200324-007, more commonly known as the "Stay Home - Work Safe Order," requiring all individuals in the City to stay home or in their place of residence due to the COVID-19 Emergency. As a result, program participant was unable to successfully obtain documentation from medical provider of disabling condition.

2. Due to Social Distancing recommendations and the Stay Home Order, local healthcare clinics in Austin have limited in person services and have transitioned medical care services to virtual appointments due to the COVID-19 Emergency. Program participant lack the resources (i.e., smart phone, computer, internet) or ability to telecommunicate with healthcare providers.
3. City of Austin has closed many public facilities including access to all Austin Public Library facilities which reduces a significant resource to access technology such as computers and internet for email communications and/or appointment setting which limits the ability to access documentation from healthcare providers.
4. Program participant meets high-risk criteria for COVID-19 complications as outlined by the CDC. In order to follow social distancing recommendations, participant was unable to access safe public transportation resources.
5. Program staff and program participant were able to complete disability documentation standards through self-certification and/or intake observation adequately without having to further overwhelm the local health care system and immediate response to the COVID-19 pandemic.

Limit on Eligible Housing Search and Counseling Services

1. Due to the COVID-19 emergency situation, there are fewer housing vacancies for participants to choose from resulting in increased difficulty for persons who have past rental or utility arrear debt.
2. Based on housing pre-screening, program participant was not eligible for available housing units in local area due to having significant rental and/or utility arrears. ECHO housing department uses the pre-screens program participants across the Continuum of Care in order to reduce the number and rate of rental applications submitted to landlords and rejected by property partners
3. Local resources for rental or utility assistance are inundated due to the increased unemployment rate caused by COVID-19.
4. Due to social distancing requirements and City of Austin's Order requiring residents to wear a face covering in public, being able to follow these orders while searching for affordable rental units during the COVID-19 crisis limits the ability to quickly move program participants into housing successfully.
5. In order to reduce the spread of COVID-19 locally, the ability to secure housing by reducing previous arrears support local efforts in reducing the frequency of travel and interaction with others during the housing search process
6. Rental and/or utility arrears are a cause of rejection of housing application and preventing the program participant from accessing stable housing during the COVID-19 crisis.
7. Utility arrears prohibits an individual's ability to begin utility services to the identified housing unit

Permanent Housing-Rapid Re-housing Monthly Case Management

1. On March 24, 2020, Austin Mayor Adler issued Order No. 20200324-007, more commonly known as the "Stay Home - Work Safe Order," requiring all individuals in the City to stay home or in their place of residence due to the COVID-19 Emergency. Stay Home orders require recipient staff to only connect with participant on an as needed basis.
2. Many local agencies are requiring staff work at home in order to help contain COVID-19. Program participants have limited financial resources to support consistent and ongoing phone access (number of minutes, purchase of phone) or other technology used for communication (internet, computer) during the crisis.
3. Due to CDC recommendations for social distancing and isolation, case management staff able to provide direct services was limited and resulted in the program/agency being understaffed.

4. Personal Protective Equipment has been prioritized for medical staff and not social service staff resulting in limited supply. Program attempted to request donations but was unable to secure a substantial amount to provide necessary services to all program participants.

Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

1. On March 24, 2020, Austin Mayor Adler issued Order No. 20200324-007, more commonly known as the "Stay Home - Work Safe Order," requiring all individuals in the City to stay home or in their place of residence due to the COVID-19 Emergency. As a result, nonessential supportive service staff are required to work remotely and are unable to perform physical inspections until the order is lifted.
2. Follow social distancing recommendations and the Stay Home Order, many landlords are unwilling or unable to show housing opportunities in person due to COVID-19.
3. Due to the increased health vulnerability, many participants have been advised to avoid interactions with individuals outside of their immediate household.
4. Program staff and program participants are unable to access Personal Protective Equipment needed to safely commute and complete activities such as housing inspections.

HQS – Re-Inspection of Units

1. On March 24, 2020, Austin Mayor Adler issued Order No. 20200324-007, more commonly known as the "Stay Home - Work Safe Order," requiring all individuals in the City to stay home or in their place of residence due to the COVID-19 crisis. These restrains prevent the collection of Re-inspections.
2. Many Agencies are requiring staff work from in order to follow social distancing guidelines.
3. Due to the increased health vulnerability of individuals experiencing homelessness, minimizing contact with participants and providing in person services should only occur when absolutely necessary.
4. Program staff and program participants are unable to access Personal Protective Equipment needed to safely commute and complete activities such as housing inspections.

One-Year Lease Requirement

1. Due to the COVID-19 Emergency Situation, local emergency shelters and temporary housing placements have experiencing shutdowns and decreased capacity due to infections. With limited shelter capacity, immediate housing placement ability is vital to limit the transmission of the COVID-19.
2. Due to the Eviction Memorandum, Austin rental vacancy rates have dropped and more creative leasing options are needed.
3. Due to participants increased health vulnerability, connecting participants with available housing options is paramount to the participants overall wellbeing and to help alleviate shelter capacity by quickly moving participants into Permanent Housing units.

Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance

1. Due to COVID-19, many participants have lost employment and income resources due to social distancing requirements causing participants to require renewed project support.
2. Local resources for rental or utility assistance are inundated due to the increased unemployment rate caused by COVID-19.
3. Program participants are unable to solicit for new employment opportunities due to the March 24, 2020, issued Order No. 20200324-007, more commonly known as the "Stay Home - Work Safe Order," requiring all individuals in the City to stay home or in their place of residence due to the COVID-19 crisis.

4. Many program participants have incurred unforeseen costs in responding to the COVID-19 pandemic such as, increased food costs, cell phone and internet cost, and increased personal protective equipment, requiring participants to need increased rental assistance.

Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated

1. Due to the COVID-19 Emergency Situation, local emergency shelters and temporary housing placements have experiencing shutdowns and decreased capacity due to infections. With limited shelter capacity, immediate housing placement ability is vital to limit the transmission of the COVID-19.
2. Due to the Eviction Memorandum, Austin rental vacancy rates have stagnated, and increased access to Transitional Housing options are needed.
3. Due to participants increased health vulnerability, connecting participants with available housing options is paramount to the participants overall wellbeing and to help alleviate shelter capacity by quickly moving participants into Transitional Housing units.

Third-Party Documentation of Income

1. Due to the COVID-19 pandemic, it is more difficult for staff to collect third-party documentation or source documentation from participants or their employers.
2. Many participants do not have access to the technological equipment needed to share source documentation virtually.
3. Our local health authority guidelines encourage staff to maintain social distancing and working from home. This limitations and safety guidelines limit staff from collecting source or third party documentation.

Suitable Dwelling Size and Housing Quality Standards

1. Due to the COVID-19 emergency situation, there are fewer housing vacancies for participants to choose from resulting in increased difficulty for persons who have past rental or utility arrear debt.
2. Based on housing pre-screening, program participant was not eligible for available housing units in local area due to having significant rental and/or utility arrears. ECHO housing department uses the pre-screens program participants across the Continuum of Care in order to reduce the number and rate of rental applications submitted to landlords and rejected by property partners
3. Local resources for rental or utility assistance are inundated due to the increased unemployment rate caused by COVID-19.
4. Due to social distancing requirements and City of Austin's Order requiring residents to wear a face covering in public, being able to follow these orders while searching for affordable rental units during the COVID-19 crisis limits the ability to quickly move program participants into housing successfully.
5. In order to reduce the spread of COVID-19 locally, the ability to secure housing by reducing previous arrears support local efforts in reducing the frequency of travel and interaction with others during the housing search process

Homeless Definition – Temporary Stays in Institutions of 90 days or Less

1. Due to the COVID-19 pandemic, program participants are residing in institutions for longer periods of time because of COVID-19, for example, participants are spending longer time in jail due to postponed court dates due to court closings or courts operating at reduced capacity and longer hospital stays when infected with COVID-19.

Recipients are encouraged to maintain a copy of this document within their project administration documentation.



Austin / Travis County Continuum of Care COVID-19 Crisis Response: Operations and Procedures Program Standards Addendum

In accordance with 24 CFR § 578.103(a), [CoC Grant Recipient] has established agency and program standard operating procedures that ensure that Continuum of Care program funds are used in accordance with the requirements of 24 CFR § 578 and that sufficient records will be maintained to enable HUD to determine whether we, as a Recipient or Subrecipient, are meeting the requirements of this part.

During the COVID-19 emergency situation, we will make every effort to maintain policies and procedure as outlines in our internal program documents (e.g., Policies and Procedures and/or Written Standards). Our agency will maintain all communication with our CPD Field Office Representative, follow emerging guidance from HUD, and adhere to local established guidelines.

Our agency leadership recognized and authorized use of emergency protocols and procedures on the day listed below:

[Indicate the Date and format in which the agency's Authorized Representative initiated and announced Emergency Operations:]

Requested Authorization of waiver flexibility on this date: _____

Anticipated utilizing waiver flexibility on this date: _____

Received authorization to utilize waiver flexibility on this date: _____

Grantee has applied and is approved for the following waiver flexibilities and will follow federal and local guidelines needed in order to maintain records for each approved wavier (select all that apply):

- Fair Market Rent for Individual Units and Leasing Costs
- Disability Documentation for Permanent Supportive Housing (PSH)
- Limit on Eligible Housing Search and Counseling Services
- Permanent Housing-Rapid Re-housing Monthly Case Management
- Housing Quality Standards (HQS) –Initial Physical Inspection of Unit
- HQS –Re-Inspection of Units
- One-Year Lease Requirement
- Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance
- Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated
- Assistance Available at Time of Renewal
- Third Party Documentation of Income

- Suitable Dwelling Size and Housing Quality Standard
- Homeless Definition – Temporary Stays in Institutions for 90 days or Less

Grantee has maintained internal documentation of communications with HUD Representatives confirming the approval of waivers and maintains records in the following location:

[Insert Location of hardcopy of HUD authorization and project administrative documentation]

The Austin / Travis County Continuum of Care has released local justifications for which these waivers are necessary within the **Austin / Travis County Continuum of Care Local Justification Guidelines**. We maintain necessary documentation to comply with waiver flexibility as outlined in the **Austin / Travis County Continuum of Care Waiver Documentation Guidance**, attached below.

X _____

[Authorized Representative Name and Title]

[Date]



Austin / Travis County Continuum of Care COVID-19 Waiver Documentation Guidance Program Standards Addendum

Waived activities as identified in [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 \(published April 2020\)](#).

CONTINUUM OF CARE PROGRAM

1. Fair Market Rent for Individual Units and Leasing Costs

Requirement: Rent payments for individual units with leasing dollars may not exceed Fair Market Rent (FMR).

Citation: 24 CFR § 578.49(b)(2).

Explanation: The CoC Program regulation at 24 CFR § 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Justification: Waiving the limit on using grant leasing funds to pay above FMR for individual units above FMR, but not greater than the reasonable rent will assist recipients in locating additional units to house individuals and families experiencing homelessness and reduce the spread and harm of COVID-19.

Applicability: The FMR restriction is waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing during the 6-month period beginning on the date of this memorandum. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with CoC Program leasing dollars meet the rent reasonableness standard in 24 CFR § 578.49(b)(2).

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration File that FMR limits for the Austin/Travis County area are impeding the recipients ability to find units for clients as a result of COVID-19. **(A/TX CoC Local Justification Guidelines)**
- iii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant
- iv. Case note maintained in the client's file which states:
 - a. The leased unit is above FMR, though still rent reasonable, due to COVID-19.
 - b. A copy of the leasing agreement
 - c. Rent Reasonability Study

2. Disability Documentation for Permanent Supportive Housing (PSH)

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).

Explanation: 24 CFR § 578.103(a) requires recipients to maintain records providing evidence they met program requirements and 24 CFR § 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the "chronically homeless" definition in 24 CFR § 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability that, no later than 45 days from the application for assistance, is confirmed and accompanied by evidence in paragraphs 24 CFR § 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence.

Justification: Waiving 24 CFR § 578.103(a)(4)(i)(B)(4) as specified below will allow recipients to house people by relying on intake staff-recorded observation of disability while providing recipients' intake staff with additional time to confirm the disability. This will help households with observed disabilities to be housed quickly and obtain the necessary documentation once healthcare workers are no longer inundated by COVID-19 responses.

Applicability: The requirement 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 for the 6-month period beginning on the date of this memorandum.

Note: 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).**

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement
 - b. Participant's self-certification of disability or;
 - c. Intake workers observation

3. Limit on Eligible Housing Search and Counseling Services

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).

Explanation: 24 CFR § 578.53(e)(8) allows recipients and subrecipients to use CoC funds to pay for housing search and counseling services to help eligible program participants locate, obtain, and retain suitable housing. For program participants whose debt problems make it difficult to obtain housing, 24 CFR § 578.53(e)(8)(ii)(B) makes eligible the costs of credit counseling, accessing a free personal credit report, and resolving personal credit issues. However, payment of rental or utility arrears is not included as an eligible cost. 24 CFR § 578.53(d) limits eligible supportive service costs to those explicitly listed in 24 CFR § 578.53(e), which is a more limited list than is eligible under the McKinney-Vento Act.

Justification: Waiving the limitation of housing search and counseling eligible activities to allow recipients and subrecipients to pay for up to 6 months of rental arrears and 6 months of utility arrears will help recipients and subrecipients remove barriers to obtaining housing quickly and help reduce the spread and harm of COVID-19.

Applicability: 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. This waiver is in effect one-year beginning on the date of this memorandum.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. Collect evidence of debt does not exceed 6 months of rent and/or utility arrears
 - a. Document client's housing goals
 - b. Document client's inability to obtain housing as a direct result of rent and utility debt, which may include (but not limited to):
 - i. Rejected application for housing
 - ii. Landlord/management company policy regarding applicant debt
 - iii. A letter from the Landlord/management company stating client debt results inability to secure housing
 - iv. A letter from ECHO (lead CoC) housing team that describes why client debt results inability to secure housing
 - c. Documentation of the arrears amount paid by the project and that the payment was within the timelining allowable by the waiver
- iv. Case notes entered in HMIS, or HMIS comparable database, from staff that in detail document client's failed attempts to secure housing due to debt

4. Permanent Housing-Rapid Re-Housing Monthly Case Management

Requirement: Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly.

Citation: 24 CFR § 578.37(a)(1)(ii)(F).

Explanation: The CoC Program interim rule at 24 CFR § 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

Justification: Recipients are reporting limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID-19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.

Applicability: This requirement in 24 CFR § 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for two months beginning on the date of this memorandum.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or HMIS comparable database, from staff that in detail documents the staff's inability to connect with program participant
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement

5. Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

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).

Explanation: 24 CFR § 578.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.

Justification: Waiving the physical initial inspection requirement 24 CFR § 578.75(b)(1) as specified below will allow recipients to help prevent the spread of COVID19.

Applicability: 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 for 6-months beginning on the date of this memorandum for recipients and subrecipients that are able to meet the following criteria:

- a) The recipient is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- b) 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.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. See Interim Guidance: Housing Inspections in Emergency Situations
- iv. Case notes entered in HMIS, or HMIS comparable database, maintained in the client's file which states the applicability of the waived requirement
- v. A case note maintained in the client's file which states the applicability of the waived requirement

6. HQS – Re-Inspection of Units

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).

Explanation: 24 CFR § 578.75(b)(2) requires that recipients or subrecipients are required to inspect all units supported by leasing or rental assistance funding under the CoC Program at least annually during the grant period to ensure the units continue to meet HQS.

Justification: Waiving the annual re-inspection 24 CFR § 578.75(b)(2) requirement during this public health crisis as specified below will help allow recipients to prevent the spread of COVID-19.

Applicability: This requirement in 24 CFR § 578(b)(2) is waived for 1-year beginning on the date of this memorandum.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or comparable database, maintained in the client's file which states the applicability of the waived requirement
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement

7. One-Year Lease Requirement

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(l)(1).

Explanation: The CoC Program regulation at 24 CFR § 578.3, definition of permanent housing, and 24 CFR § 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable for cause.

Justification: Waiving the one-year lease requirement as specified below will allow recipients to more quickly identify permanent housing for individuals and families experiencing homelessness, which is helpful in preventing the spread of COVID-19.

Applicability: The one-year lease requirement is waived for six-months beginning on the date of this memorandum, so long as the initial lease term of all leases is for more than one month.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or comparable database, maintained in the client's file which states the applicability of the waived requirement
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement
 - b. A copy of the Lease
 - c. Rent Reasonability Study

Waived activities as identified in [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(published May 22, 2020\)](#)

CONTINUUM OF CARE PROGRAM and YOUTH HOMELESSNESS DEMONSTRATION PROGRAM

To the extent YHDP grants are subject to the same requirements in 24 CFR part 578 that apply to grants provided under the CoC Program, the same waivers made available on March 31, 2020 for grants provided under the CoC Program are made available to YHDP grants for the same justifications and subject to the same conditions. Additionally, the following waivers are available to CoC Program and YHDP recipients.

8. Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance

Requirement: CoC Program funds may be used to provide short-term (up to 3 months) and/or medium-term (for 3 to 24 months) tenant-based rental assistance.

Citation: 24 CFR § 578.37(a)(1)(ii), 24 CFR § 578.37(a)(1)(ii)(C), and 24 CFR § 578.51(a)(1)(i).

Explanation: The CoC Program regulation at 24 CFR § 578.37(a)(1)(ii) and 24 CFR § 578.51(a)(1)(i) defines medium-term rental assistance as 3 to 24 months and 578.37(a)(1)(ii) and 24 CFR § 578.37(a)(1)(ii)(C) limits rental assistance in rapid re-housing projects to medium-term rental assistance, or no more than 24 months.

Justification: Waiving the limit on using rental assistance in rapid re-housing projects to pay more than 24 months will ensure that individuals and families currently receiving rapid re-housing assistance do not lose their assistance, and consequently their housing, during the COVID-19 public health crisis and the subsequent economic downturn. This will reduce the spread and harm of COVID-19 by enabling affected program participants to continue to socially isolate in their housing.

Applicability: The 24-month rental assistance restriction is waived for program participants in a permanent housing rapid re-housing project who will have reached 24 months of rental assistance beginning on the date of this memorandum until a state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19. Program participants who have reached 24 months of rental assistance during this time and who will not be able to afford their rent without additional rental assistance will be eligible to receive rental assistance until 3 months after a state or local public health official has determined that special measures are no longer necessary to prevent the spread of COVID-19.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or comparable database, maintained in the client's file which states the applicability of the waived requirement
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement
 - b. All documentation required for an Annual Assessment
 - i. Income Verification
 - ii. Updated Service Plan
 - iii. Annual Assessment Completed in HMIS
 - c. Participant budget clearly documenting need for financial assistance to maintain housing or comparable project documentation to record participant need for continued assistance

9. Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated

Requirement: To be eligible for a DedicatedPLUS project an individual or family must meet the criteria of DedicatedPLUS in the Notice of Funding Availability under which the grant was awarded. One of the possible criteria is residing in transitional housing that will be eliminated and meeting the definition of chronically homeless in effect at the time in which the individual or family entered the transitional housing project.

Citation: Section III.C.3.f.(2) of the FY 2018 CoC Program Competition NOFA and Section III.C.2.g.(2) of the FY 2019 CoC Program Competition NOFA.

Explanation: Section III.C.3.f.(2) of the FY 2018 CoC Program Competition NOFA and Section III.C.2.g.(2) of the FY 2019 CoC Program Competition NOFA define a DedicatedPLUS project as a PSH project where 100 percent of the beds are dedicated to serve individuals and families residing in one of six places at intake, including residing in a transitional housing project that will be eliminated.

Justification: Waiving the requirement within the definition of DedicatedPLUS project that the transitional housing project is being eliminated will expand permanent housing options available for people moving out of transitional housing and will make more transitional housing beds available to others who need it. Expanding permanent housing options for persons in transitional housing will assist in preventing the spread of COVID-19 by allowing more people to move off the streets and into transitional housing.

Applicability: The definition of DedicatedPLUS project is waived for DedicatedPLUS projects funded in the FY 2018 and FY 2019 CoC Program Competitions to allow these projects to serve individuals and families residing in transitional housing, whether it is being eliminated or not, as long as the individual or family met the definition of chronically homeless upon entry to the TH.

Per Austin/Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or comparable database, maintained in the client's file which states the applicability of the waived requirement
- iv. Case note maintained in the client's file which states:
 - a. Applicability of the waived requirement
 - b. Eligibility documentation of Chronic Homelessness Status at Transitional Project Enrollment

10. Assistance Available at Time of Renewal

Requirement: With respect to renewing CoC Program awards, 24 CFR § 578.33(c) requires that assistance for a renewal period will be up to 100 percent of the amount available for supportive services and HMIS costs in the final year of the prior funding period, up to 100 percent of the amount for leasing and operating in the final year of the prior funding period adjusted in proportion to changes in FMR for the geographic area, and for rental assistance up to 100 percent of the result of multiplying the number and unit size(s) in the grant agreement by the number of months in the grant agreement and the applicable FMR.

Citation: 24 CFR § 578.33(c).

Explanation: 24 CFR § 578.33(c) requires that budget line item amounts a recipient is awarded for renewal in the CoC Program Competition will be based on the amounts in the final year of the prior funding period for the project.

Justification: Waiving the requirement that the renewal grant amount is based on the budget line items in the final year of the grant being renewed will allow recipients to amend their budgets temporarily to address the needs of its program participants in responding to COVID-19 (e.g., providing different supportive services necessitated by the pandemic or serving fewer people because of the layout of the housing does not meet local social distancing recommendations) without changing the original design of the project when it is not operating in a public health crisis and can resume normal operations.

Applicability: The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is waived for all projects that amend their grant agreement between March 31, 2020 and October 1, 2020 to move funds between budget line items in

a project in response to the COVID-19 pandemic. Recipients may then apply in the next FY CoC Program Competition based on the budget line items in the grants before they were amended.

Notification: Recipients utilizing this waiver flexibility do not need to follow the notification process outlined in Attachment #1. Instead, HUD will consider any grant agreement amendment executed between March 31, 2020 and October 1, 2020 to move funds between budget line items in response to the COVID-19 pandemic as notification to HUD.

Per Austin/Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Grant Agreement Amendments executed between March 31st, 2020 and October 1st, 2020.

11. Permanent Housing-Rapid Re-housing Monthly Case Management

Requirement: Recipients must require program participants of permanent housing – rapid re-housing projects to meet with a case manager at least monthly.

Citation: 24 CFR § 578.37(a)(1)(ii)(F).

Explanation: The CoC Program interim rule at 24 CFR § 578.37(a)(1)(ii)(F) requires program participants to meet with a case manager not less than once per month to assist them in ensuring long-term housing stability. The project is exempt from this requirement already if the Violence Against Women Act of 1994 (42 U.S.C. 13925 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits the recipient carrying out the project from making its housing conditional on the participant's acceptance of services.

Justification: HUD originally waived this requirement for 2-months beginning March 31, 2020. Recipients are continuing to report limited staff capacity as staff members are home for a variety of reasons related to COVID-19 (e.g., quarantining, children home from school, working elsewhere in the community to manage the COVID19 response). In addition, not all program participants have capacity to meet via phone or internet. Waiving the monthly case management requirement as specified below will allow recipients to provide case management on an as needed basis and reduce the possible spread and harm of COVID-19.

Applicability: This requirement in 24 CFR § 578.37(a)(1)(ii)(F) that projects require program participants to meet with case managers not less than once per month is waived for all permanent housing- rapid re-housing projects for an additional three months beginning on the date of this memorandum.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Wavier Request Approval from Project CPD Field Office
- ii. Documentation within Project Administration of the constraints limiting the ability to collect documentation. **(A/TX CoC Local Justification Guidelines)**
- iii. Case notes entered in HMIS, or HMIS comparable database, from staff that in detail documents the staff's inability to connect with program participant
- iv. Case note maintained in the client's file which states: Applicability of the waived requirement

Additional waived activities as identified in [Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts](#)

[Caused by COVID-19](#) (signed 9/30/2020, published 10/2/2020). Please review the HUD memorandum for a full list of introduces flexibilities and extensions to previous flexibilities.

Published Waiver extension on the following waived activities:

Assistance Available at Time of Renewal

Permanent Housing- Rapid Re-housing Monthly Case Management

Fair Market Rent for Individuals Units and Leasing Costs

Disability Documentation for Permanent Supportive Housing (PSH)

One Year Lease Requirement

1. Third-Party Documentation of Income

Requirement: Where a program participant pays rent or an occupancy charge in accordance with 24 CFR 578.77, 24 CFR 578.103(a)(7) requires recipients and subrecipients to keep on file an income evaluation form specified by HUD along with one of the following types of back-up documentation: (1) source documents for the assets held by the program participant and income received before the date of the evaluation; (2) to the extent that source documents are unobtainable, a written statement by the relevant third party or the written certification of the recipient's or subrecipient's intake staff of the relevant third party's oral verification of the income the program participant received over the most recent period; or (3) to the extent that source documents and third-party verification are unobtainable, the program participant's own written certification of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.

Citation: 24 CFR 578.103(a)(7)(iv)

Explanation: 24 CFR 578.103(a)(7) requires the recipient or subrecipient to keep records of the program participant's income and the back-up documentation they relied on to determine income. The regulation establishes an order of preference for the type of documentation that recipients can rely upon. Only if source documents and third-party verification are unobtainable is a written certification from the program participant acceptable documentation of income. HUD is waiving "To the extent that source documents and third party verification are unobtainable" in 578.103(a)(7)(iv).

Justification: HUD understands that documentation may be difficult to obtain as a result of COVID-19 pandemic; therefore, waiving the requirement that source documents and third-party documentation be unobtainable in order for recipients or subrecipients to rely on a program participant's own certification of their income will help recipients and subrecipients house program participants more quickly and determine the appropriate rent contribution or occupancy charge. Moving people experiencing homelessness more quickly into housing enables social distancing, and helps prevent the spread of COVID-19.

Applicability: The waiver of the requirement at 24 CFR 578.103(a)(7)(iv) that the recipient or subrecipient may only rely on program participant self-certification of income if the other permitted types of documentation are unobtainable when conducting the initial or subsequent rent or occupancy charge calculations is in effect from the date of this memorandum until December 31, 2020. During this time, 24 CFR 578.103(a)(7)(iv) is waived to the extent necessary to allow

recipients or subrecipients to document annual income with the written certification by the program participant of the amount of income that the program participant is reasonably expected to receive over the 3-month period following the evaluation, even if source documents and third-party verification, are obtainable.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant
- iii. A written certification by the program participant of the amount of income that they program participant is reasonably expected to receive over the 3-month period following the evaluation.

2. Housing Quality Standards - Initial Inspection of Unit

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

Citation: 24 CFR 578.75(b)(l)

Explanation: 24 CFR 278.75(b)(1) requires that recipients or subrecipients physically inspect each unit to assure that it meets HQS before any assistance will be provided for that unit on behalf of a program participant.

Justification: On March 31, 2020, HUD waived the physical inspection requirement at 24 CFR 578.75(b)(l) for 6-months so long as recipients or subrecipients were able to visually inspect the unit using technology to ensure the unit met HQS before any assistance was provided and recipients or subrecipients had written policies in place to physically reinspect the unit within 3 months after the health officials determined special measures to prevent the spread of COVID-19 are no longer necessary. However, this standard still relies on program participants or landlords having the technology to carry out this virtual inspection. Waiving the initial inspection requirement at 24 CFR 578.75(b)(l) as further specified below will allow recipients to move people from the streets and shelters into housing more quickly, which enables social distancing, and helps prevent the spread of COVID-19.

Applicability: This waiver of the requirement in 24 CFR 578.75(b)(l) 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 from the date of this memorandum until December 31, 2020 for recipients and subrecipients that are able to meet the following criteria:

a. The owner certifies that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question;

and b. The recipient or subrecipient has written policies to physically inspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office

- ii. Written policies to physically unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.
- iii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant
- iv. A letter from the owner or appointed representative, on letterhead, which certifies that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question

3. Suitable Dwelling Size and Housing Quality Standards

Requirement: Units funded with CoC Program or YHDP funds must have at least one bedroom or living/sleeping room for each two persons.

Citation: 24 CFR 578.75(c) and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b)

Explanation: 24 CFR 578.75(c), suitable dwelling size, and 24 CFR 982.401(d)(2)(ii) as required by 24 CFR 578.75(b), Housing Quality Standards, requires units funded with CoC Program funds to have at least one bedroom or living/sleeping room for each two persons.

Justification: Households experiencing homelessness are often unable to afford the limited supply of affordable housing in many jurisdictions across the country and this has been made even more challenging due to the economic impact of COVID-19. Additionally, moving to housing instead of congregate shelter reduces the spread of COVID-19. Waiving this requirement will allow households to obtain permanent housing that is affordable and that they assess is adequate. Consistent with the Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners, grantees should balance use of this waiver with the recommendations of public health officials to limit community spread, and reduce risks to high risk populations. For example, a large unit with rooms can be partitioned for privacy and distancing, or the waiver can be applied for units that will house only one family household.

Applicability: The requirement that the each unit assisted with CoC Program funds or YHDP funds have at least one bedroom or living/sleeping room for each two persons is waived for recipients providing Permanent Housing-Rapid Rehousing assistance for leases and occupancy agreements executed by recipients and subrecipients between the date of this memorandum and December 31, 2020 and extending only until the later of 1) the end of the initial term of the lease or occupancy agreement; or 2) December 31, 2020. As a reminder, recipients are still required to follow State and local occupancy laws.

NOTE: Applicants must still comply with Texas Property Code 10.092 which states, "Sec. 92.010. OCCUPANCY LIMITS. (a) Except as provided by Subsection (b), the maximum number of adults that a landlord may allow to occupy a dwelling is three times the number of bedrooms in the dwelling.

(b) A landlord may allow an occupancy rate of more than three adult tenants per bedroom:

(1) to the extent that the landlord is required by a state or federal fair housing law to allow a higher occupancy rate; or

(2) if an adult whose occupancy causes a violation of Subsection (a) is seeking temporary sanctuary from family violence, as defined by Section 71.004, Family Code, for a period that does not exceed one month.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant
- iii. A copy of the lease supporting the number of bedrooms and identifying the adults residing in the unit.

4. Homeless Definition - Temporary Stays in Institutions of 90 days or Less

Requirement: The definition of homeless in 24 CFR 578.3 includes under paragraph (l)(iii) an individual who is exiting an institution where he or she resided for 90 days or less and has resided in an emergency shelter or place not meant for human habitation immediately before entering that institution, which is an interpretation of §103(a)(4) of the McKinney-Vento Act which includes an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided (emphasis added).

Citation: 24 CFR 578.3, definition of "homeless," (l)(iii)

Explanation: An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution are considered homeless per 24 CFR 578.3, definition of "homeless."

Justification: Recipients are reporting that program participants are residing in institutions for longer periods of time as a result of COVID-19 (e.g., longer time in jail due to a postponed court dates due to court closings or courts operating at reduced capacity and longer hospital stays when infected with COVID-19). Allowing someone who was residing in an emergency shelter or place not meant for human habitation prior to entering the institution to maintain their homeless status while residing in an institution for longer than 90 days is necessary to prevent the spread of COVID-19 by expanding housing options for people who were experiencing homelessness and institutionalized for longer than traditionally required due to COVID-19. This waiver is in effect for 6-months beginning on the date of this memorandum.

Applicability: An individual may qualify as homeless under paragraph (1)(iii)the homeless definition in 24 CFR 578.3 so long as he or she is exiting an institution where they resided for 120 days or less and resided in an emergency shelter or place not meant for human habitation immediately before entering that institution. This waiver is in effect for 6-months beginning on the date of this memorandum.

Per Austin / Travis County CoC Documentation Guidance, recipients must maintain:

- i. Copy of Waiver Request Approval from Project CPD Field Office
- ii. A case note maintained in HIMS, or HMIS comparable database, for the applicability of this waiver for this project participant

- iii. Verification of the participants homeless status before entering the institution, following outlined documentation standards, and discharge documentation from the institution.



Interim Guidance: Housing Inspections in Emergency Situations

The Ending Community Homelessness Coalition has developed the following guidance regarding housing inspections in emergency situations. Ultimately, housing providers must continue to house participants during an emergency.

This guidance was developed in partnership with the local Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) office and should be utilized until HUD's Office of Special Needs Assistance Programs (SNAPS) provides further guidance. Guidance has been updated to comply with the Housing Quality Initial Inspection HUD Megawaiver published October 2nd, 2020.

Emergency Operations & Protocol Implementation

Agencies should be operating under their emergency policies and procedures. Agencies should be implementing and following an Emergency Recordkeeping Protocol.

Housing Program Participants

When housing participants follow the process below:

✚ Re-Inspection / Yearly Inspections

Ensure housing is maintained, document why you cannot conduct inspections (document date of Shelter in Place Order), and include documentation in the client file, or add it to the case notes if the file is not immediately available. When the crisis ends, go back and conduct the inspection and ensure all documentation is present in case notes and file (must be completed within 3 months after the crisis ends).

✚ Initial inspections not including a pregnant woman or child under 6

If an initial inspection cannot be completed, request that the property self-certify that the unit is safe to inhabit. Please use the template provided by ECHO. When the crisis ends, prioritize units not inspected, physically conduct the inspection within 3 months, and ensure all documentation is present in case notes and file.

✚ Inspections where lead-based paint hazards are a greater concern (i.e. pregnant woman or child under 6)

Do not attempt to house households comprised of at-risk persons (pregnant and/or children 6 and under) in structures built before 1978 unless a physical inspection is performed.

Recordkeeping Protocol for Inspections

✚ Establish a protocol for tracking inspections that were not completed or completed remotely, such as a list or a spreadsheet, so that once inspections can be conducted the program will have a record of outstanding tasks.

✚ After the crisis ends and the inspection has been conducted, attach all emergency recordkeeping documentation to the completed inspection.

Housing Inspections Order of Priority

This graphic demonstrates the order of priority for documentation of housing inspections in emergency situations such as the coronavirus pandemic.

First Priority: The best/preferred form of documentation and expected during non-emergency times.

Second Priority is available when the first priority is not possible or a safe option. When physical inspections are waived, visual and/or remote inspections, should be conducted.

Third Priority: when an inspection cannot be completed during emergency situations providers should consider whatever approaches needed in order to reduced delayed access to stable housing.

2nd and 3rd priority must be accompanied by strong documentation of the situation in the case notes and file.

This order of priority applies to housing inspections and lead-based paint inspections (when needed). Inspections that include a lead-based paint concern should also document that no other resources were available to conduct the inspection.





COVID-19 Client File Templates

CoC COVID-19 Waiver Client File Record:

Fair Market Rent for Individual Units and Leasing Costs

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address: _____

The unit at the above address has met the rent reasonableness standard outlined in 24 CFR 578.49(b)(2). The following documents have been collected to document compliance with waiver requirements:

- Copy of Lease clearly displaying the date of execution;
- Completed rent reasonableness analysis

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Disability Documentation for Permanent Supportive Housing (PSH)

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

“Note: 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).” - COVID-19 Memorandum

The participant’s eligibility for program enrollment and documentation of qualifying disability was obtained through the following form (attached):

- Program Participant Self-Certification.
- Intake worker’s observation

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Limit on Eligible Housing Search and Counseling Services

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

“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. This waiver is in effect one-year beginning on the date of this memorandum.” – COVID-19 Waiver Memorandum

Documented Arrears Amounts (Payments cannot exceed 6 months)	
Rental Arrears Amount:	
Utility Arrears Amount:	
Total Amount Paid for with Project Supportive Service Funds:	

Documentation identifying arrears amounts and project payment attached.

The participant’s difficulty to attain housing due to rental and/or utility arrears has been demonstrated through the following forms (attached):

- Rejected application for housing and/or;
- Landlord/management company policy regarding applicant arrears and/or;
- A letter from the Landlord/management company stating client rental and/or utility arrears results in an inability to secure housing and/or;
- A letter from ECHO (CoC Lead Agency) Housing Team that describes why client rental and/or utility arrears results in an inability to secure housing

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Permanent Housing – Rapid Re-housing Monthly Case Management

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Documentation for: 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 as published April 2020. Due to the COVID-19 Emergency Situation, the Monthly Case Management Requirement is waived when applicable between 4/1/2020-5/31/2020. The Case Manager will communicate with this eligible project participant on an as needed basis until 6/1/2020, when Monthly Case Management Requirement resumes. All contact with the participant during the waived period will be documents within case notes.

-or-

- Documentation for: Availability of Additional Waivers for Community Planning and Development (CPD) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 (published May 26, 2020)

Due to the COVID-19 Emergency Situation, the Monthly Case Management Requirement is waived when applicable between 4/1/2020-8/21/2020. The Case Manager will communicate with this eligible project participant on an as needed basis until 8/22/2020, when Monthly Case Management Requirement resumes. All contact with the participant during the waived period will be documents within case notes.

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

ARCHIVE COPY UTILIZED FROM 4/15/2020 – 9/30/2020

CoC Program Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address: _____

For the above unit, the following inspection was completed:

- Physical Inspection
- Visual Inspection
- Inspection Incomplete

A digital record of a Visual inspection, including a timestamp or video confirmation of when the inspection occurred, can be located:

The following documentation is attached to document compliance with Housing Inspection Requirements:

- Housing Quality Standards Documentation (https://www.hud.gov/sites/documents/DOC_11775.PDF)
- Lead Based Paint Inspection

A physical reinspection of a virtually inspected unit will be completed in person within 3 months after health officials have determined the special measures to prevent the spread of COVID-19 are no longer necessary.

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

CoC Program Housing Quality Standards (HQS) – Initial Physical Inspection of Unit

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address:

For the above unit, the technology to complete a virtual inspection was unavailable. Utilizing the flexibilities under HUD COVID-19 Megawaiver #3, signed 9/30/2020, the following documentation is attached:

- The owner certifies that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units identified above.

This project’s written policies require a physical reinspection the identified unit to be completed in person within 3 months after health officials have determined the special measures to prevent the spread of COVID-19 are no longer necessary.

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

CoC Program Housing Quality Standards (HQS) – Re-Inspection of Units

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address: _____

Scheduled Unit Re-Inspection Date: _____

This unit will not be able to be re-inspected on the above indicated date due to COVID-19. A Unit Re-Inspection will be completed within a one (1) year period beginning on the date of the waiver memorandum (3/31/2020).

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

One Year Lease Requirement

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address:

Lease Execution Date:

Lease Expiration Date:

Additional Documentation is attached:

- A Copy of the Lease clearly documenting the leasing Execution and End Date

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Unit Address:

Participant Start Date

Number of Months Participant has Received Rental Assistance:

Additional Documentation is attached:

- Annual Assessment Documentation for Annual Assessment at 24 months
 - Income Verification and Supporting Documentation
 - Updated Service Plan Documentation
 - Participant's Budget worksheet clearly demonstrating need or comparable project documentation utilized to document participant financial need

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Transitional Housing Project Participant is Exiting:

Additional Documentation is attached:

- Chronic Homelessness Eligibility Documentation from Project Entry to Above Identified Transitional Housing Project

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Third- Party Documentation of Income

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

Project staff have collected the following documentation necessary to conduct an initial or subsequent rent or occupancy charge calculations.

Additional Documentation is attached:

- Written Certification from the program participant of the income which the participant believes they will receive over the next 3 months

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

CoC COVID-19 Waiver Client File Record:

Homeless Definition - Temporary Stays in Institutions of 90 days or Less

Agency:	
CoC Program Name:	
CoC Grant Number:	
Client Name:	
HMIS #:	
Waiver Applicability Date:	

The HUD Megawaiver #3 signed on 9/30/2020 introduced flexibilities extending Homeless Definition – Temporary Stays in Institutions of 90 days or less to 120 days or less.

Additional Documentation is attached:

- Documentation certifying the program participant was experiencing homelessness before entering the Temporary Institution
- Documentation certifying the program participant resided in the temporary for less than 120 days
- Documentation certifying the program participant is currently experiencing homelessness

Project Staff Signature

Date

HUD has issued Megawaivers on April 2020, May 22, 2020, and September 30, 2020 on the HUD exchange to waive some recordkeeping requirements in light of the COVID-19 emergency situation. This agency has applied for, and received approval for, select waived activities. Approved waived flexibilities, justification of seeking the waiver, and processes for documenting waived activities are outlined in our Project Policies and Procedures.

Waiver Expiration Timeline

Waiver Title	Issue Date	Waiver Expiration Requirement	Expiration Date
Fair Market Rent for Individual Units and Leasing Costs	3/31/2020	6-month period beginning on the date of this memorandum	9/31/2020
Disability Documentation for Permanent Supportive Housing (PSH)	3/31/2020	the CoC Program for the 6-month period beginning on the date of this memorandum.	9/31/2020
Limit on Eligible Housing Search and Counseling Services	3/31/2020	waiver is in effect one-year beginning on the date of this memorandum.	3/31/2021
Permanent Housing-Rapid Re-housing Monthly Case Management	3/31/2020	for two months beginning on the date of this memorandum.	5/31/2020
Housing Quality Standards (HQS) – Initial Physical Inspection of Unit	3/31/2020	in effect for 6-months beginning on the date of this memorandum	9/31/2020
HQS – Re-Inspection of Units	3/31/2020	1-year beginning on the date of this memorandum.	3/31/2021
One-Year Lease Requirement	3/31/2020	for six-months beginning on the date of this memorandum, so long as the initial lease term of all leases is for more than one month.	9/31/2020
Permanent Housing Rapid Re-housing Limit to 24 Month of Rental Assistance	5/22/2020	3 months after a state or local public health official has determined that special measures are no longer necessary to prevent the spread of COVID-19.	TBD
Limit to be Eligible for DedicatedPLUS Project When Coming from Transitional Housing Being Eliminated	5/22/2020	DedicatedPLUS projects funded in the FY 2018 and FY 2019 CoC Program Competitions	Duration of FY18 and FY19 CoC Competition Grants DedicatedPLUS grants
Assistance Available at Time of Renewal	5/22/2020	any grant agreement amendment executed between March 31, 2020 and October 1, 2020	any grant agreement amendment executed between March 31, 2020 and October 1, 2020
Permanent Housing-Rapid Re-housing Monthly Case Management	5/22/2020	an additional three months beginning on the date of this memorandum	8/22/2020
Third- Party Documentation of Income	9/30/2020	from the date of this memorandum until December 31, 2020	12/31/2020
Housing Quality Standards – Initial Inspection of Unit	9/30/2020	in effect from the date of this memorandum until December 31, 2020	12/31/2020
Suitable Dwelling Size and Housing Quality Standards	9/30/2020	between the date of this memorandum and December 31, 2020	12/31/2020

Homeless Definition – Temporary Stays in Institutions of 90 days or Less	9/30/2020	in effect for 6-months beginning on the date of this memorandum	3/30/2021
Assistance Available at Time of Renewal	9/30/2020	consider any grant agreement amendment executed between March 31, 2020 and December 31, 2020	12/31/2020
Permanent Housing – Rapid Re-housing Monthly Case Management	9/30/2020	from the date of this memorandum until December 31, 2020	12/31/2020
Fair Market Rent of Individual Units and Leasing Costs	9/30/2020	from the date of this memorandum until December 31, 2020	12/31/2020
Disability Documentation for Permanent Supportive Housing (PSH)	9/30/2020	from publication of this waiver until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19	TBD
One-Year Lease Requirement	9/30/2020	is waived for leases executed between the date of this memorandum and December 31, 2020	12/31/2020

Waiver implementation date will vary based on when agencies contacted their field office to request authorization to utilize the waiver flexibility. Guidance to request waiver flexibility can be found:

<https://www.hudexchange.info/resource/6007/availability-of-waivers-of-community-cpd-grant-program-and-consolidated-plan-requirements-to-prevent-the-spread-of-covid19-and-mitigate-economic-impacts-caused-by-covid19/>

And

https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_for_CPD_Grant_Programs_to_Prevent_COVID-19_Spread_and_Mitigate_COVID-19_Economic_Impacts.pdf

Though Waiver implementation time will vary, waiver expiration is based on the memorandum issuance date not waiver authorization or request.

Local Ordinances

Visit austintexas.gov/covid19 for a complete list of control orders and emergency rules issued by the City of Austin and Travis County.

March 6, 2020 – [Mayor of the City of Austin declares local state of disaster](#)

March 6, 2020 – [Travis County Judge declares local state of disaster](#)

March 12, 2020 – [City of Austin City Council ratifies the local state of disaster](#)

March 13, 2020 – [City of Austin suspends all utility disconnects](#)

March 17, 2020 – [Travis County Justices of the Peace orders](#) all scheduled court proceedings, except for essential court proceedings, will be reset to a date after May 8, 2020.

March 19, 2020 – [Texas Supreme Court postpones evictions except in cases of physical danger](#)

March 24, 2020 – [Mayor of Austin issues Shelter-in-Place, “Stay Home, Work Safe” Order](#). This order excludes all essential business and people experiencing homelessness.

March 24, 2020 – [Travis County Judge issues Shelter-in-Place, “Stay Home, Work Safe” Order](#). This order excludes all essential business and people experiencing homelessness.

March 26, 2020 – City of Austin City Council implements a 60 day grace period for renters in Austin before and eviction notice is filed.

April 6, 2020 – [Travis County Judge Sarah Eckhardt and Mayor Adler issued guidance that wearing a fabric face mask outside one's residence](#)

May 1, 2020- [The State of Texas Governor Greg Abbot, along with recommendations from the Texas Strike Force, the White House Coronavirus Task Force and the CDC issued a new executive order on April 27, 2020 to start a strategic plan to ‘Open Texas’ in the response to COVID-19 disaster.](#)

May 8,2020 – [Mayor of Austin extend “Stay at Home Order” Until July 15th](#)

June 17th, 2020- [Mayor of Austin issues Mandatory Health & Safety Policies for Business Employees and Patrons Supplemental to Order No. 02020615-013](#)

[August 14, 2020- Stay Home, Mask, and Otherwise Be Safe \(Austin\)](#)

[August 14th, 2020- Health Authority Emergency Rules](#)

[September 30th, 2020, Order Relating to Notices to Vacate](#)

Housing Quality Initial Inspection Landlord Certification Template:

To be collected on property letterhead and completed by the property owner or their appointed representative.

Re: Landlord Certification for HUD Waiver of 24 CFR 57.75(b)(1)

To Whom it May Concern:

I certify that I have no reasonable basis to have knowledge that life-threatening conditions exist in UNIT # located at ADDRESS. This unit will be ready for a move in on DATE for CLIENT NAME.

Thank you,

SIGNATURE

NAME: _____

TITLE : _____

PROPERTY: _____

EMAIL: _____

PHONE NUMBER: _____