

Emergency Recordkeeping Protocols Related to the HUD Mega Waiver During the COVID-19 Pandemic

This guide includes Emergency Recordkeeping Protocols for Continuum of Care (CoC) programs, Emergency Solutions Grants/Solutions to End Homelessness Program grants (ESG/STEHP), and Housing Opportunities for Persons with AIDS (HOPWA) grants.

Protocols should be implemented to match waivers your agency has elected to use during the COVID-19 Pandemic and be incorporated as an addendum to current Policy and Procedures Manuals.

Examples provided by CARES are included in *italics*. These examples may or may not apply to your program(s).

CoC Recommended Protocols

1. Fair Market Rent for Individual Units and Leasing Costs 24 CFR 578.49(b)(2)
 - a. At a recipient level, our agency will:
 - i. Document that FMR limits are impeding the ability to find units for clients as a result of COVID-19
 - a. *Example: fewer units are available due to COVID, so programs may have to expand the area where clients are normally housed into more expensive areas.*
 - b. At the client level, our agency will:
 - i. Obtain a copy of the lease clearly displaying the date it was executed
 - ii. Note affected lease agreements with the date of the COVID-19 Memorandum
 - iii. Complete a rent reasonableness analysis and include a copy in the client's file
2. Disability Documentation for Permanent Supportive Housing (PSH) 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)
 - a. At a recipient level, our agency will:
 - i. Document the COVID-19 related constraints preventing the collection of disability documentation
 - i. *Example: constraints may include shelter-in-place orders or office closures in your area (e.g. medical and government offices)*
 - b. At the client level, our agency will:
 - i. Obtain copies of personal certifications (e.g., homelessness, disability)
 - ii. Notes outlining the application of the waiver and compliance with the timeframe in the files of clients affected by COVID-19

3. Limit on Eligible Housing Search and Counseling Services 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)
 - a. At a recipient level, our agency will:
 - i. Note how the agency is defining “difficulty obtaining housing”
 - i. *Example: housing may be difficult to obtain due to the eviction moratorium and fewer available units; definitions will change based on your program*
 - ii. *Example: Landlords may not be willing to rent due to COVID-19*
 - b. At the client level, our agency will:
 - i. Document affected client’s inability to obtain housing as a direct result of rent and utility arrears
4. Permanent Housing-Rapid Re-housing Monthly Case Management 24 CFR 578.37(a)(1)(ii)(F)
 - a. At a recipient level, our agency will:
 - i. Document limited staff capacity, shelter-in-place orders, or similar COVID-19 related impediments
 - b. At the client level, our agency will:
 - i. Note the application of this waiver in client files
5. Housing Quality Standards (HQS) – Initial Physical Inspection of Unit 24 CFR 578.75(b)(1)
 - a. At a recipient level our agency will:
 - i. Document how your agency is conducting initial inspections, if not in person
 - i. *Example: document what virtual platforms your program is utilizing, and if someone records an inspection and sends it to program staff. Be sure the inspection covers everything included in an HQS inspection form*
 - b. At the client level, our agency will:
 - i. Complete an HQS inspection form, noting the method of observation, date, and reference the waiver
 - ii. Complete an in-person inspection by the three-month deadline and an updated HQS inspection form
6. HQS – Re-Inspection of Units 24 CFR 578.75(b)(2)
 - a. At a recipient level, our agency will:
 - i. Document how your agency is performing re-inspections, if not in person
 - i. *Example: document what virtual platforms your program is utilizing, or if you are having someone record an inspection and sending it to program staff. Be sure the inspection covers everything included in an HQS inspection form*
 - b. At the client level our agency will:
 - i. Note the clients affected in their file
7. One-Year Lease Requirement 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)
 - a. At a recipient level our agency will:

- i. Document any constraints related to the one-year lease requirement
 - i. *Example: this could include availability of apartments or working with different landlords than usual*
- b. At the client level our agency will:
 - i. Note in the clients affected file with a copy of the lease clearly stating the term of the lease

ESG/STEHP Recommended Protocols

1. HMIS Lead Activities 24 CFR 576.107(a)(2)
 - a. At a recipient level, our agency will:
 - i. Document the need to upgrade or enhance the HMIS as a result of COVID-19 to ensure it meets the “necessity” threshold established in the policies and procedures
 - b. At the client level, our agency will:
 - i. Not applicable
2. Re-Evaluations for Homelessness Prevention Assistance 24 CFR 576.401(b)
 - a. At a recipient level, our agency will:
 - i. Demonstrate the need to keep the participant housed during the COVID-19 pandemic
 1. *Example: need can be demonstrated by shelter-in-place orders or outbreak in your area*
 - b. At the client level, our agency will:
 - i. Note in the file of affected clients
 - ii. Document compliance within the six-month requirement
3. Housing Stability Case Management 24 CFR 576.401(e)
 - a. At a recipient level, our agency will:
 - i. Document limited staff capacity, shelter-in-place order, or similar COVID-19 related impediments
 - b. At the client level, our agency will:
 - i. Note the clients affected in their file
4. Restriction of Rental Assistance to Units with Rent at or Below FMR 24 CFR 576.106(d)(1)
 - a. At a recipient level, our agency will:
 - i. Document that FMR limits are impeding the ability to find units for clients as a result of COVID-19
 1. *Example: this could include things like less units being available due to less evictions so programs may have to expand where they house clients into more expensive areas.*
 - b. At the client level, our agency will:
 - i. Include a clearly dated, executed lease
 - ii. Note in the file citing this waiver and its application to the client’s lease
 - iii. Include a completed rent reasonableness analysis

HOPWA Recommended Protocols

1. Source Documentation for Income and HIV Status Determinations 24 CFR 574.530
 - a. At a recipient level, our agency will:
 - i. Create protocol for what is determined appropriate self-certification documentation
 1. *Example: a client's prescription will suffice at this time for self-certification.*
 - b. At the client level, our agency will:
 - i. Note in the client's file when the client enters the program
 - ii. Three months after the public health crisis ends, formal source documentation must be added to the client file
2. Rent Standard for Tenant-Based Rental Assistance (TBRA) 24 CFR 574.320(a)(2)
 - a. At a recipient level, our agency will:
 - i. Determine rent reasonableness standards based on unit size, rents being charged for comparable unassisted units in the area, also consider the location, size, type, quality, amenities, facilities, management and maintenance of each unit.
 - ii. Create a rent reasonableness form based on the standards
 1. *An example form used by CoC-funded programs can be found [here](#).*
 - b. At the client level, our agency will:
 - i. Complete a rent reasonableness analysis and be sure to include it in the client's file
3. Property Standards for Tenant-Based Rental Assistance (TBRA) 24 CFR 574.310(b)
 - a. At a recipient level, our agency will:
 - i. Develop policies to virtually inspect units
 1. *Example: document what virtual platforms your program is utilizing, or if you are having someone record an inspection and sending it to program staff. Be sure the inspection covers everything included in an HQS inspection form*
 - ii. Develop policies to physically reinspect units after health officials determine special measures to prevent the spread of COVID-19 are no longer necessary
 - b. At the client level our agency will:
 - i. Complete an HQS inspection form that notes the method of observation, date, and reference to the waiver
 - ii. Complete an in-person inspection and an updated HQS inspection form when it is safe
4. Adequate Space and Security 24 CFR 574.310(b)(2)(iii)
 - a. At a recipient level our agency will:
 - i. Document the standards requiring the use of additional spaces
 1. *Example: it may be in the best interest of the client (and their family) to be housed in a hotel/motel due to the pandemic.*
 - b. At the client level our agency will:

- i. Document why and where clients were housed until they could be placed in permanent supportive housing.