

## Continuum of Care COVID-19 Emergency Recordkeeping Protocol

In accordance with 24 CFR 578.103(a), we have established standard operating procedures to ensure Continuum of Care program funds are used in accordance with the requirements of 24 CFR 578 and sufficient records are maintained to enable HUD to determine whether we, as a Recipient or Subrecipient, meet the requirements of these regulations.

As part of those policies and procedures, this Emergency Protocol outlines the HUD Mega Waivers we have elected and describes the recordkeeping process associated with each waiver.

On \_\_\_\_\_, we informed the HUD CPD Director of our intent to implement the waivers described below for the following CoC Projects (list applicable project names and Grant Numbers). A copy of that email request is attached.

**Projects Affected:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Waivers Requested (check those that apply below):**

✓	Requirement	Applicability	Other Provisions
<input type="checkbox"/>	<b>Third-Party Documentation of Income,</b> 24 CFR 578.103(a)(7)	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 shall be accepted, even if source documents and third-party verification are obtainable. This is applicable for initial or subsequent rent or occupancy charge calculations.	
<input type="checkbox"/>	<b>Housing Quality Standards (HQS) – Initial Physical Inspection of Unit</b> 24 CFR 578.75(b)(1)	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.	Recipients and subrecipients must 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 units not previously physically inspected by December 31, 2021.
<input type="checkbox"/>	<b>Suitable Dwelling Size and Housing Quality Standards,</b> 24 CFR 578.75(c)	The dwelling unit for Rapid Rehousing assistance does not need to have at least one bedroom or living/sleeping room for each two persons. Recipients are still required to follow State and local occupancy laws.	

# CARES

OF NY, INC  
ENDING HOMELESSNESS

<input type="checkbox"/>	<b>Assistance Available at Time of Renewal</b> 24 CFR 578.33(c)	<p>The requirement that the renewal grant amount be based on the budget line items in the final year of the grant being renewed is further waived for all projects that amend their grant agreement between July 1, 2021 and December 31, 2021 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 funding cycle based on the budget line items in the grants before they were amended.</p>	
<input type="checkbox"/>	<b>Permanent Housing-Rapid Re-housing Monthly Case Management</b> 24 CFR 578.37(a)(1)(ii)(F)	<p>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.</p>	N/A
<input type="checkbox"/>	<b>Fair Market Rent for Individual Units and Leasing Costs</b> 24 CFR 578.49(b)(2)	<p>The recipient may use grant funds for leasing to pay above FMR when leasing individual units so long as the rent is reasonable when compared to other similar, unassisted units.</p>	<p>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).</p>
<input type="checkbox"/>	<b>One-Year Lease Requirement</b> 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)	<p>The one-year lease requirement is waived for six-months beginning on the date of this memorandum.</p>	<p>The initial lease term of all leases must be for more than one month.</p>
<input type="checkbox"/>	<b>Limit on Eligible Housing Search and Counseling Services</b> 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)	<p>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.</p>	<p>Only applies when those arrears make it difficult to obtain housing.</p>
<input type="checkbox"/>	<b>HQS - Re-Inspection of Units</b> 24 CFR 578.75(b)(2)	<p>This requirement in 24 CFR 578(b)(2) is waived for 3 months beginning on the date of this memorandum.</p>	N/A
<input type="checkbox"/>	<b>Homeless Definition - Temporary Stays in Institutions of 90 Days or Less,</b> 24 CFR 578.3(1)(iii)	<p>An individual who is exiting an institution where he or she resided for 120 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."</p>	

<input type="checkbox"/>	<b>Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance</b> 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i)	Rental assistance in rapid re-housing projects may be used to pay more than 24 months, up to 3 months after a state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19.	The 24-month rental assistance restriction is waived for program participants in permanent housing rapid re-housing projects who will have reached 24 months of rental assistance until December 31, 2021. 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 December 31, 2021.
<input type="checkbox"/>	<b>Disability Documentation for Permanent Supportive Housing (PSH)</b> 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)	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.	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).

To maintain program and client records for the waived provisions, we will obtain the documentation described below, to the best of our ability given the public health emergency. In instances where we are unable to obtain the records outlined below, we will document all efforts taken to obtain them, which will serve as our program and client record.

**Check those that apply below:**

✓	Requirement	Suggested Recipient Documentation*	Suggested Client Level Documentation*
<input type="checkbox"/>	<b>Third-Party Documentation of Income,</b> 24 CFR 578.103(a)(7)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A notation in the files of affected clients along with a copy of 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
<input type="checkbox"/>	<b>Housing Quality Standards (HQS) – Initial Physical Inspection of Unit</b> 24 CFR 578.75(b)(1)	1) Emergency recordkeeping policies and procedures that outline the reinspection process; 2) Copy of waiver notification sent to HUD	1) A completed HQS inspection form noting the method of observation, date, and a reference to the waiver. 2) By the 3-month deadline, a completed on-site inspection.
<input type="checkbox"/>	<b>Suitable Dwelling Size and Housing Quality Standards,</b> 24 CFR 578.75(c)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A notation in the files of affected clients that waiver is being utilized and dwelling size still meets State and local occupancy laws.
<input type="checkbox"/>	<b>Permanent Housing-Rapid Re-housing Monthly Case Management</b> 24 CFR 578.37(a)(1)(ii)(F)	1) Documentation of limited staff capacity, shelter-in-place order, or similar COVID-19 related impediment; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	A note in the files of affected clients outlining application of the waiver.

# CARES

OF NY, INC  
ENDING HOMELESSNESS

<input type="checkbox"/>	<b>Fair Market Rent for Individual Units and Leasing Costs,</b> 24 CFR 578.49(b)(2)	1) Documentation that FMR limits are impeding grantee's ability to find units for clients as a result of COVID-19; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) A copy of the lease clearly displaying the date of execution; 2) a note to file noting the date of the COVID-19 Memorandum and its application to the client's lease; 3) a completed rent reasonableness analysis.
<input type="checkbox"/>	<b>One-Year Lease Requirement</b> <b>24 CFR 578.3, definition of permanent housing,</b> 24 CFR 578.51(l)(1)	1) Documentation outlining constraints related to 1-year lease requirement; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	A notation in the files of affected clients along with a copy of the lease indicating the term.
<input type="checkbox"/>	<b>Limit on Eligible Housing Search and Counseling Services</b> 24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)	1) Emergency recordkeeping policies and procedures outlining how grantee will define "difficulty obtain[ing] housing"; 2) Copy of waiver notification sent to HUD	Documentation demonstrating the client's inability to obtain housing as a direct result of rent and utility arrears.
<input type="checkbox"/>	<b>HQS - Re-Inspection of Units</b> 24 CFR 578.75(b)(2)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A note in the files of affected clients.
<input type="checkbox"/>	<b>Homeless Definition - Temporary Stays in Institutions of 90 Days or Less,</b> 24 CFR 578.3(1)(iii)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A notation in the files of affected clients.
<input type="checkbox"/>	<b>Homeless Definition - Temporary Stays in Institutions of 90 Days or Less,</b> 24 CFR 578.3(1)(iii)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A notation in the files of affected clients.
<input type="checkbox"/>	<b>Permanent Housing Rapid Re-housing Limit to 24 Months of Rental Assistance</b> 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i)	1) Copy of waiver notification sent to HUD; 2) Emergency recordkeeping policies and procedures	A notation in the files of affected clients.
<input type="checkbox"/>	<b>Disability Documentation for Permanent Supportive Housing (PSH)</b> 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)	1) Documentation of COVID-19 related constraints preventing collection of disability documentation such as shelter-in-place orders or office closures; 2) Copy of waiver notification sent to HUD; 3) Emergency recordkeeping policies and procedures	1) Copies of certifications; 2) a note in the files of affected clients outlining application of the waiver and compliance with the timeframe.

*\*Documentation may be electronic.*

**Name & Title of Authorizing Official:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_