



Date: July 21<sup>st</sup>, 2021

To: CoC Recipients/ESG Sub-Recipients

RE: HUD Megawaiver #6

HUD has released [Megawaiver #6](#), extending select waivers from [earlier waivers](#) that expired on June 30, 2021. Some of these waivers have been extended until September 30, 2021 to allow recipients time to update policies and procedures and adjust staffing levels to come back into compliance with regulatory requirements now that social distancing measures are lifting. Others have been extended to December 31, 2021 as the flexibilities remain critical to help individuals experiencing homelessness obtain and maintain housing in tight rental markets resulting from COVID-19. Additionally, this memorandum establishes an expiration date of September 30, 2021 for waivers previously authorized until public health officials determine no additional special measure are necessary to prevent the spread of COVID-19.

To utilize the waivers:

1. Submit a notification as follows:
  - a. **For NY-503 and NY-606:** CARES has submitted a waiver notification on your behalf. Please email [Kirstin Jones](#) your intention to utilize any of the below waivers
  - b. **All other CoC Projects:** Please notify your [HUD Field Office](#)\*\* per the last page of HUD's [memo](#)
2. Update program records to include written documentation of the specific conditions that justify the recipient's use of the waiver ([examples on our website](#)).

Below is a brief summary of each waiver, and how it differs from prior waiver(s) (if applicable):

### **Extension of Waivers per Megawaivers #1-5**

#### *#1: CoC: Third-Party Documentation of Income*

Applicability: 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.

Expiration: 9/30/2021

#### *#2: CoC: Housing Quality Standards - Initial Inspection of Unit*

Applicability: The 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 until September 30, 2021. The owner must certify that they have no reasonable basis to have knowledge that life-threatening conditions



exist in the unit or units in question; and The recipient or subrecipient must have written policies to physically inspect the units not previously physically inspected by December 31, 2021.

Expiration: 9/30/2021

*#3: CoC: Suitable Dwelling Size and Housing Quality Standards*

Applicability: 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.

Expiration: This waiver expires 12/31/2021, extending for those units in which the waiver was utilized to the latter of

- 1) the end of the initial lease term or occupancy agreement or
- 2) 12/31/2021

*#4: CoC: Assistance Available at Time of Renewal*

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 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.

Expiration: 12/31/2021

*#5: CoC: Permanent Housing-Rapid Re-housing Monthly Case Management*

Applicability: The requirement 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.

Expiration: 9/30/2021

*#6: CoC: Fair Market Rent for Individual Units and Leasing Costs*

Applicability: 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.

Expiration: The FMR restriction continues to be waived for any lease executed by a recipient or subrecipient to provide transitional or permanent supportive housing from the July 1, 2021, until December 31, 2021.

*#7: CoC: One-Year Lease Requirement*

Applicability: Program participants residing in permanent housing may have an initial lease term of less than one year provided it is for at least one month.



Expiration: Initial leases executed between July 1, 2021 and December 31, 2021 (as long as the initial lease term is at least one month).

*#8: CoC: Limit on Eligible Housing Search and Counseling Services*

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 a program participant's rent arrears, when those arrears make it difficult to obtain housing.

Expiration: 12/31/2021

*#9: CoC: HQS – Re-Inspection of Units*

Applicability: The requirement 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 is waived. Additionally, recipients will need time when social distancing guidelines are no longer in effect to prepare staff to re-inspect (and inspect as discussed above) units for HQS; therefore, HUD is extending the waiver beyond the date the state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19.

Expiration: 9/30/2021

*#10: CoC: Homeless Definition – Temporary Stays in Institutions of 90 Days or Less*

Applicability: 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."

Expiration: 12/31/2021

*#11: CoC: Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance*

Applicability: 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.

Expiration: 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.



*#12. CoC: Disability Documentation for Permanent Supportive Housing (PSH)*

Applicability: PSH projects may rely on intake-staff recorded observations without additional documentation to verify that a member of the household has a qualifying disability.

Expiration: 12/31/2021

Ongoing Waiver per Megawaiver #3

*#1. CoC: Coordinated Entry-Annual Ongoing Planning and Stakeholder Consultation*

Applicability: The CoC does not need to solicit feedback at least annually from participating projects and households that participated in coordinated entry to evaluate the quality and effectiveness of the entire coordinated entry experience.

Expiration: 9/30/2021

If you have any questions, please let us know. We are happy to collaborate with the HUD Field Office to field pertinent questions and report back in a timely fashion. Thank you for all of your work to ensure the safety and security of the most vulnerable during this trying time and always.

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