



Date: July 14th, 2022

To:

CoC Recipients
YHDP Recipients
ESG Sub-Recipients

RE: HUD Expedited Regulatory Waivers Extension DUE JULY 31, 2022 for implementation through March 31, 2023

On June 15, 2022, HUD released a notice advising recipients of ESG, CoC, YHDP, and HOPWA program funds that they *may apply for certain regulatory waivers through an expedited process* to help recipients and subrecipients prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19. Recipients must utilize the process set out by this Notice to submit waiver requests. **EXPEDITED WAIVER REQUESTS ARE DUE July 31, 2022.**

The use of this expedited waiver process only applies to waivers explicitly stated below and in Section D1 of this Notice. Recipients may continue to request other regulatory waivers as necessary to operate their programs; however, they will not be subject to the expedited process.

Waiver requests must be received by HUD on or before July 31, 2022, to be designated for expedited processing as provided by this Notice. Unless otherwise stated below for a specific waiver, the expedited process under this Notice will only be used for approving waivers with an effective ***end date that is not later than March 31, 2023.***

If your agency intends to utilize a waiver, please see [HUD's original notice](#) for more information.

Submit an Expedited Waiver Request as follows:

1a. **For NY-503 and NY-606:** CARES has submitted a waiver notification on your behalf. Please email [Kirstin Jones](#) your intention to utilize any waivers.

1b. **All other CoC Projects:** To use the waiver flexibility provided in this memorandum, the recipient must provide notification in writing (mail or e-mail) to the CPD Director of the HUD field Office serving its jurisdiction no less than two days before the recipient anticipates using the waiver (see the last page of this memo for more information).

2. To use each waiver, each recipient must follow the notification process and update its program records to include written documentation of the specific conditions that justify the recipient's use of the waiver, consistent with the justifications and applicability provisions.



#1: Housing Quality Standards - Initial Inspection of Unit - CoC/YHDP/HOPWA

Applicability: This section describes operational flexibility from HUD as it relates to virtual Housing Quality Inspections.

HUD has determined that in some circumstances, recipients and subrecipients may be able to satisfy the applicable physical inspection requirements using a proxy who conducts a physical inspection on behalf of the recipient or subrecipients with the assistance of technology. ***CPD is currently developing guidance to clarify the physical inspection requirements under these regulations. However, prior to the effective date of CPD's forthcoming guidance, HUD will consider physical inspections of units for compliance with HQS that are conducted on behalf of a recipient or subrecipient by a proxy (the proxy can be a landlord, property representative, tenant, or any adult associated with the eventual tenancy of the unit) using video streaming technology pursuant to a written agreement, kept on file by the subrecipient and recipient, to satisfy the physical inspection requirement applicable to CoC.***

Expiration March 31, 2023

#2: Suitable Dwelling Size and Housing Quality Standards - CoC/YHDP

Applicability: Allows recipients of Permanent Housing – Rapid Rehousing projects to assist program participants to move into housing with more than two persons per room. Recipients should balance the use of this waiver with the recommendations of public health officials to limit community spread and reduce the risks to high-risk populations consistent with the Executive Order on Fighting the Spread of COVID-19.

This waiver is only made available with respect to recipients providing Permanent Housing-Rapid Re-housing assistance for leases and occupancy agreements executed by recipients and subrecipients between the effective date of the HUD-approved waiver and March 31, 2023.

Expiration: the later of 1) the end of the initial term of the lease or occupancy agreement; or 2) March 31, 2023.

#3: Fair Market Rent for Individual Units and Leasing Costs - CoC/YHDP

Applicability: Ability to pay for rent above FMR when leasing individual units under leases executed before the expiration of this Notice, so long as the rent paid for individual units meets the rent reasonableness standard.

Expiration: This waiver is only made available with respect to leases of individual units between the effective date of the HUD-approved waiver and March 31, 2023, although the recipient may request that the waiver remain applicable to a lease of an individual unit in which a program participant is assisted during that time may continue to benefit from this waiver through until the earlier of the end of the



lease or the end of the period of performance/approved budget period(s) for the recipient's grant(s) covered by the waiver.

#4: One-Year Lease Requirement - CoC/YHDP

Applicability: waives the regulatory requirements that recipients execute a lease that is for a term of less than one year, so long as the initial term of the lease is at least one month.

Expiration: March 31, 2023

#5: Permanent Housing Rapid Re-Housing Limit to 24 Months of Rental Assistance - CoC/YHDP

Applicability: waives the regulatory requirements in permanent housing rapid-rehousing projects for program participants who will have reached their 24-months of rental assistance between the publication of this Notice (June 15, 2022) and March 31, 2023 and who will not be able to afford their rent without additional rental assistance.

Expiration: Program participants who have reached their 24-months of rental assistance during this time will be eligible to receive additional rental assistance from the effective date of a HUD-approved waiver until March 31, 2023.

#6. Disability Documentation for Permanent Supportive Housing (PSH) - CoC/YHDP

Applicability: waives the regulatory requirements that staff-recorded observation of disability be confirmed and accompanied by other evidence no later than 45 days from the application for assistance documentation until the expiration of this Notice. A written certification by the individual seeking assistance that they have a qualifying disability will be acceptable documentation approved by HUD until the expiration of this Notice.

Expires March 31, 2023

ESG ONLY

#1. Assisting Program Participants with Subleases - ESG

Applicability: waives regulatory requirements to the extent that the references to "owner" and "lease" restrict program participants from receiving assistance in units they sublease from the primary leaseholder, provided that the recipient can assure HUD that: i) The waiver will be used only when the program participant chooses to rent a unit through a legally valid sublease with the primary leaseholder for the unit; and ii) The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h).

Expiration: to be considered for expedited processing, the waiver request must specify the period during



which the recipient needs to house program participants using this flexibility, and that period must not extend beyond March 31, 2023, although the recipient may request that the waiver remain applicable to any sublease approved during that period until the earlier of the end of the program participant's otherwise allowable term of assistance or the end of the period of performance/approved budget period(s) for the recipient's grant(s) covered by the waiver.

#2: Duration Limits on Housing Relocation and Stabilization Services - ESG

Applicability: waives one or more of the 24-month limits for program participants who continue to need assistance beyond the 24-month limit(s) to maintain housing stability. Additionally, this notice provides for expedited process of recipient requests to allow recipients to pay for housing stability case management for up to 60 days while the program participant is seeking housing.

Expiration March 31, 2023

#3: 24 Month Limit on Rental Assistance - ESG

Applicability: waives the 24-month limit on rental assistance for program participants who have received 24-months of rental assistance over a 3-year period, but will not be able to afford their rent without additional rental assistance.

Expiration March 31, 2023

#4: Restriction of Rental Assistance to Units with Rent at or below FMR - ESG

Applicability: This notice provides for expedited processing of recipient requests to waive the FMR-based limitation so that a recipient can provide rental assistance to program participants in units that are above FMR, so long as the rent is reasonable when compared to other similar unassisted units. However, to be considered for expedited processing, the waiver request must specify the period during which the recipient needs to house program participants using this flexibility, and that period must not extend beyond March 31, 2023, although the recipient may request that the waiver remain applicable to any unit in which a program participant is assisted during that time period may continue to benefit from this waiver through until the earlier of the end of the program participant's otherwise allowable term of assistance or the end of the period of performance/approved budget period(s) for the recipient's grant(s) covered by the waiver.

Expiration March 31, 2023



Instructions for submitting expedited regulatory waiver for items above

A recipient may request a waiver of the HUD requirements listed above and **must include a justification of why the waiver is needed. No waiver(s) requested may be implemented unless written approval from HUD has been obtained.**

To ensure expedited processing, recipients should email their waiver requests to SNAPSinfo@hud.gov with a copy to their local field office CPD Director.

Each request should include:

1. An email subject line of: “Expedited Pandemic Regulatory Waiver Request”; and
2. The following information in the body of the email:
 - a. Recipient information, including the name of recipient and name and contact information of a person within the organization to contact with questions about the waiver request;
 - b. The grant number(s) the recipient is requesting the waiver of regulatory requirements apply to;
 - c. Specific waiver flexibilities requested, including requested effective period and other conditions under which grantee proposes to use the waiver, consistent with the specific conditions for expedited waiver processing and;
 - d. A specific justification **for each waiver** that shows good cause consistent with HUD’s reasons for expediting the waiver review under this Notice (i.e., to help recipients and subrecipients prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19) and;
 - e. include the required information identified in the waiver’s description.

Please Note: Requests that do not include each of the above, or do not include information specifically required for expedited processing of a particular waiver will still be considered but may not receive expedited processing as provided in this Notice.

A **template has been provided in Appendix A** of HUD’s Notice that recipients may use to provide the required information. Using this template to submit your waiver request is optional.

Following submission of expedited waiver request, CPD will reply via email confirming that the request has been received.

If you need further clarification or 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 your work to ensure the safety and security of the most vulnerable during this trying time and always.

CoC	**HUD Field Office Staff
NY-501	William O’Connell ; Sean.T.Tulumello@hud.gov ;
NY-507	William O’Connell ; Elizabeth McClam ;
NY-511	William O’Connell ; Rashika Hall ;

NY-512	William O'Connell ; Jennifer Beltre ;
NY-519	William O'Connell ; Tremeeka Norman ;
NY-520	William O'Connell ; Sean.T.Tulumello@hud.gov ;
NY-522	William O'Connell ; Tremeeka Norman ;
NY-523	William O'Connell ; Jennifer Beltre ;
NY-601	Vincent Hom ;
NY-608	Vincent Hom ;