

DESIGNING & IMPLEMENTING AN EMERGENCY HOME TBRA PROGRAM
PART 3 – OFFICE HOURS
JUNE 24, 2020

WEBINAR TRANSCRIPT

0:00:08 Steve Lathom: Well good afternoon everyone. Welcome to our third webinar on Designing and Implementing an Emergency HOME TBRA Program, our Office Hours webinar. Again, my name is Steve Lathom with TDA consulting, and I am joined by Monte Franke of the Franke Consulting Group, who pretty much everybody should have heard for the last two weeks, and most of us already know well. So, Monte will be doing a fair amount of the presentation here in just a minute. And again, this is part of four different webinars that have been held over the last few weeks. Two weeks ago today, we did Part One on Initial Program Planning. The next Tuesday HUD did a session on TBRA and IDIS Requirements that is somewhat related, but also stands alone as it addresses long-standing concerns that HUD had about the way that PJs were entering IDIS funding and activities into the IDIS system. That was held on June 16th.

0:01:19 SL: Last week we took a deeper dive into Developing Your Policies and Procedures. And today is an Office Hours session which is going to allow us to go through and reiterate a few key points, but to spend a fair amount of our time on questions and answers. So again, the goal today is to go back through some issues, some greatest hits of topics that prompted the most questions or that we feel the need to reiterate the most, and then we will continue the Q&A. And also at the end of the session, HUD will be coming on the line, Peter Huber, the Deputy Director of the Office of Affordable Housing Programs, and sharing some insights about what HUD is seeing in terms of the actual request for waivers and suspensions that are coming in from PJs.

0:02:16 SL: A few things to note for everybody, there are a lot of resources that are now up on the web in addition to today's slides, which are already on the web on the same page where you registered for this webinar initially. There are the April 10th memos on the suspensions and the waivers, the April 20th HUD webinar, the Emergency HOME TBRA program Design Crosswalk that we published initially with the first webinar in this series, as well as the Emergency HOME TBRA Program Design Decisions. Both the Crosswalk and the Design Decisions have been linked from each of the three different webinar pages.

0:02:58 SL: Additionally, the slides for each session are already online, the transcripts and the recordings from the sessions two weeks ago and last week are on their way. And of course, there will be a recording and posting a transcript of today's session to follow. We wanted to also let people know in addition to the tools that we have already shared, there are several other pieces of guidance and tools and resources that we are actively developing in partnership with HUD and expect to be publishing over the next few weeks. So, there will be a model, or a sample PJ Sub-recipient Agreement, built around an Emergency TBRA Program. We are also working on an outline or a template for local policies and procedures. The outline includes annotations and discussion giving sample language that PJs may wish to use based on common program designs that we expect, and also some notes here and there about the considerations and the balancing act and the range of options that PJs may wish to choose.

0:04:09 SL: There are also some placeholders in there for procedure, which obviously will require a good deal more customization at the local level to make sure that you define who does what, when, and with which documents. We are also working on a three-party rental assistance contract, instead of having separate agreements between the PJ or sub-recipient and the tenant and the PJ or sub-recipient and the property owner. We are working on developing a three-part agreement that covers all of the responsibilities across the

different relationships in that three-legged stool as it were. And importantly, one of the things that it does is integrates some revisions to the lease to insert the VAWA provisions rather than using a whole separate VAWA lease addendum, so trying to tie that all up in a bow.

0:04:56 SL: We are also working on a sample tenant application, some file checklist for things to make sure that you've documented both at the program level as well as the individual project or tenant file levels. Some things to note, of course, is that any time we are providing these sorts of forms and templates, they are being provided as optional samples. You're always going to need to carefully review them, make sure that they've been updated by both your program staff to reflect the decisions that you're actually making at the local level as well as your legal counsel to make sure that they are sufficient in terms of many of these being contracts that meet appropriate state law provisions which obviously vary from state to state, etcetera.

0:05:45 SL: And so, as we share these, we hope that many people will use them. We are trying to help make those tools easier so that we are not all reinventing the wheel, but you do need to adapt and adopt those, and PJs are always free to develop their own forms, none of these are required. As they're available these will be posted to the HUD Exchange. We expect to make sure that they're linked from both the HOME COVID-19 Guidance page as well as the Tenant-Based Rental Assistance page, both of those are sub-pages in the HOME Program homepage on the HUD Exchange. And as those come up, we will be publishing announcements on the HOME Listserv to let people know that those have been posted, so if you're not already on the mail list, make sure that you've signed up for that.

0:06:40 SL: Throughout the presentation today, as Sandy already noted, you can submit your questions in the Q&A box. Please do use the Q&A tool. If you don't see that in the very top menu bar, there's a button for Q&A, and it will open up the little dialogue box along the right-hand side. Please try not to use the chat tool for questions, that's more meant for you to be able to contact the technical host if you're having a specific technical issue but not for the policy questions. And so during the presentation... I'm going to hand off to Monte in just one second, but during the presentation, we will be tracking the Q&A and in some cases, I will jump in as Monte presents to provide some clarifying points. And then most of those, what we will be doing is organizing them and spending a fair amount of our time today on the Q&A. So, with that, I am happy to, once again, have Monte with me and I'm going to move the presenter ball over to you Monte and let you take control.

0:07:53 Monte Franke: Thanks, Steve. How's my sound today? Are we okay?

0:08:00 SL: Yeah, you're fine.

0:08:00 MF: Okay, good, good. Hi everybody, welcome again. It seems like I'm having these webinars more often than I'm talking to my family on Zoom these days, but I hope you're finding them useful. What we are going to cover today as Steve mentioned is we are going to go back and recap a few of our previous topics and key observations and some of the questions we've received. I'm not sure I would call them our greatest hits as Steve did, but nonetheless, they are things that we consider important or that we want to re-emphasize while Steve is sorting through the questions that you submit. I'm going to be covering quickly these topics that you see on the screen, program design, policies and procedures, managing outreach, application and intake, some eligibility issues, some assistance type forms and questions, unit standards and inspections, and again, administrative approaches. Again, to just emphasize those things that we think are important, and we want to make sure we've clarified based on questions that you've submitted in the previous sessions, and then Steve will come in with the ones that you submit today.

0:09:22 MF: First, to start, we mentioned in webinar one, the formal requirements that you had to usually

follow in setting up a new HOME program that included for a regular TBRA, the ConPlan needs assessment and certification, as well as the requirement to submit a substantial amendment any time you made a significant change to your program. We also acknowledged that HUD provided some suspensions and waivers that were designed to help accelerate that formal process to allow you to submit your substantial amendments more quickly. And at the same time, we cautioned you that even though the formal process has been expedited for you by HUD, you still have to think about who you consult with and how you design your programs to respond to your needs that you see locally from the pandemic. We urged you to think about the resources that HOME can provide to this in relation to the overall need, as need will likely substantially exceed the HOME resources available. So, you have to think about where HOME fits in amongst all of those other resources that are being made available through various COVID programs as well as the ongoing regular programs.

0:11:01 MF: And we suggested that you really had to find a niche for HOME to fill in the context of all these different forms of assistance that may be available in your community. In addition, we reminded you that given the needs that you have, you should be consulting with other groups and organizations that are involved, and also deciding whether or not you're going to target or prioritize your TBRA to particular kinds of needs. The suspensions were provided to enable you to accelerate the formal approval process, but you shouldn't ignore consultation and needs analysis as the foundations of good program design. We also talked about the HUD requirements, the HOME regulatory requirements for PJs to develop and follow written policies and procedures. We talked about the policies to define what you want to achieve, particularly in the area of target households and forms of assistance and amounts of assistance that you will provide, and we went into greater detail on the procedures, the things you need to specify, the detailed steps, the documentation, who does what, when. The overarching purpose of written policies and procedures is transparency and fairness, but timely implementation certainly also matters in this pandemic.

0:12:31 MF: The waivers that HUD has provided expire December 31st this year and other CARES Act interventions are coming to an end even sooner, including the eviction moratorium in July as well as the end of the federal supplemental unemployment benefits, the extra \$600 per week, also ending in July. So, there's a trade-off between or balancing of a highly refined program design and quick implementation. You need to stand up your programs very quickly, but in your rush to implement, you still need to make sure you comply with the HOME rules. Most TBRA rules remain in effect and are not set aside by the waivers. That was the purpose of the Crosswalk we provided you to download, to show you what was waived and what still remains as requirements. Hopefully these webinars and the materials that we have provided and will provide you will help you set up your program to run very quickly while still achieving the compliance that is required.

0:13:33 MF: Let's talk about some of the procedures that we covered in webinar two. When we discussed outreach and intake last week, we emphasized that you need to expedite the assistance in the context of the limits on interaction given pandemic-related social distancing guidelines. HUD certainly provided some waivers to reduce some of the interactions such as inspections, but at the same time, you remain responsible as the PJ for affirmative marketing and making your program accessible to all, including having reasonable accommodations for persons with disabilities. Certainly the pandemic environment has accelerated the transition to more online interactions. You probably heard the Lennon quote, I mean Vladimir not John, that there are decades when nothing happens and there are weeks when decades happen. I think that amply describes the situation that we are in right now and how much of our interactions have moved online.

0:14:31 MF: In this environment, online program applications and processing certainly makes sense, but we also have to remember that all digital approaches will not be responsive to those without internet access and those whose internet access is perhaps limited by a disability. By doing all digital approaches to applications

and intake, that might inadvertently favor those who are least in need. We suggested that you include additional partners in your outreach schools, other social service providers that are working with the populations that you are targeting and that you provide appropriate application supports and alternative means of applications.

0:15:18 MF: We also considered that you think carefully about how you will intake applications that perhaps you consider a time window of perhaps a couple of weeks or so, followed by a lot of re-selection process as one method to avoid the first come, first processed bias toward those who are fastest in responding online, and also to avoid having long lines of people showing up at your office when we are supposed to be maintaining social distancing. Bottom line, you need adequate outreach to ensure that everyone hears about the opportunity, including those who are least likely to apply. And you have to have an efficient but fair process for accepting applications, probably through multiple means.

0:16:04 MF: In both webinars, we emphasized the waivers provided by HUD were to enable you to assist those experiencing financial hardship. HUD indicated that financial hardship includes income loss, job loss as a result of pandemic or homelessness. To determine who you can assist under the waivers, we encouraged you to think about the hardships that are being experienced in your community, whether certain types of hardships should be prioritized or preferenced, and how you will have applicants identify or certify to their need. We also reminded you about the program rule under HOME which requires 90% of your rental and TBRA units from a program year serving people at or below 60% of Area Median Income. So, while all HOME units have to assist people at or below 80% of Area Median Income, many PJs limit their TBRA to 60% and some even lower, such as 50% based upon the level of need and serving those with greatest need.

0:17:09 MF: We also talked about the waiver on the income determination side, the key difference here is the documentation requirement that HUD is requiring. Usually TBRA requires two-month source documentation, but the waiver permits you to allow tenants to self-certify given the difficulty of collecting and submitting and processing source documentation. We also reminded you that you're projecting annual income for the coming 12 months based upon the current income circumstances of the family, which may be substantially different than a family's pre-COVID income.

0:17:56 MF: We also reminded you that other HOME requirements still apply, and two of them that we mentioned and discussed were the ones you see on the screen now, the limits on student households and the conflict of interest. The student household limits were put in the rule and basically follow Section Eight or Part Five, approaches to student households, not the tax credit approach. So that's caused some confusion in the field if you work more with tax credit properties. And the definition under the Section Eight program, the Housing Choice Voucher program, is that students under the age of 24, whether they're full or part-time students, do not qualify as a low-income household unless they establish themselves as independent, or they are veteran, or married or have dependent children.

0:19:05 MF: The other issue here, the conflict of interest question, we received a surprising number of questions last time on that, and so I'm going to spend a couple of moments here just to clarify because we've been able to have further discussions with HUD on this. One of the sets of questions that came in related to whether there was a conflict in paying utility costs, when the PJ itself is the utility provider, such as a water sewer provider, or even in some cases, a municipal electric company. HUD has reviewed this and determined that there's not a conflict and that such payments can be made, however, we also note that many utility companies and other companies have waived late fees for people during the pandemic, and we expect that TBRA assistance will not be used for late fees that are waived for others.

0:20:02 MF: The bulk of the questions on conflict of interest though came in regarding the breadth of covered persons under the conflict of interest rules, so I'm going to take a moment to review and try to set it up for you a little bit better than maybe we did last time. §92.356 prohibits covered persons who have program responsibilities or are in a position to participate in decision-making, or gain inside information from obtaining a financial interest or benefit from a HOME activity. Let me unpack that statement and let me lay it out in three steps or elements of that requirement that I think might help you think through this issue.

0:20:44 MF: The first element is the covered person. The covered person is broadly defined in the rule as an employee agent, consultant officer, elected official or appointed official of the PJ, state recipient or sub-recipient. So, it pretty broadly cast the net over people who are related to the PJ. Also note that when I get to step three, I'm going to also tie in anybody who has business or immediate family ties with those covered persons. So again, the covered person net is cast broadly and is going to initially involve all those people who work for your jurisdiction.

0:21:31 MF: The second one though, is the program role, element or test. The covered person must have a program responsibility or decision-making role or be in a position to gain inside information. So, this is likely to encompass most persons within your own PJ agency or your sub-recipient, even if they recuse themselves from the particular activity, but it also will reach beyond your agency to elected officials and others outside the agency who exercise some oversight or decision-making authority or otherwise might have direct relationships with the program where they have inside information.

0:22:12 MF: So, the first one is, is this a covered person? The second one is, do they have a program role that could trigger the conflict of interest provision? And then third, we come to the prohibited financial benefit element. In other words, will a covered person acting in a program role obtain a prohibited financial benefit for themselves or those with whom they have business or family ties? So this could include unit assistance or interest in a financial contract or agreement. For TBRA generally, we are talking about TBRA assistance as a tenant or an owner, but we'd also have to consider any contracting for services that may be related to the program.

0:23:00 MF: If all three factors apply, a covered person with a program role or they or their immediate family members or person with whom you have business ties, have a prohibited financial benefit, then this triggers the need for the PJ to go to HUD for an exception prior to giving that award or benefit to that person. If not all three of those factors apply, then a PJ is not required to request an exception from HUD, but the PJ needs to be careful to document their determination.

0:23:41 MF: I want you to keep in mind that perception of conflict of interest can be as damaging to the program as actual conflict of interest. I urge you to be careful, talk to HUD, seek HUD concurrence with your determinations and document your determinations to be able to respond to any public accusations or questions that arise. It is important to deal with conflict of interest preemptively and to deal with it aggressively or broadly, because the damage to your reputation or your program can be significant just on an accusation. I hope that gives you a little better sense of the conflict of interest issue, and we are talking with HUD about hopefully that we can get more guidance out on this given the number of questions that you asked last time. Steve, was there anything else to add to conflict of interest from your end?

0:24:42 SL: Well, I think two points. One, we just had a question come in that says, what if an employee or council member of the PJ is also the landlord receiving TBRA funds? And just to reiterate the point you just made is that that is a conflict, particularly if they're a council member, because by definition, they have decision-making authority over pretty much the entirety of what a city does, for example. And so it's not just the person, the tenant who's receiving the rent being paid on their behalf, but it's also the landlord receiving

the rental payment that's subsidized by the HOME program, and so that does apply in that instance.

0:25:26 SL: And then I think just to reiterate the point you made, Monte, that often the issue is as much a perceptual issue, and what's this look like on the front page of the Sunday paper as it were. And so I think that any time you have a doubt at the local level, it is best to talk to your field office about this and make sure we are sure. If in doubt, you're better off talking to HUD and making sure that everybody has agreed and documented that a waiver is not, or an exception is not explicitly required, than finding out after the fact that it should have been. And so I think it's just the err on the side of caution is something that we can't emphasize enough.

0:26:16 MF: Okay. Well, I hope that helps some of you who asked a number of questions last time to have a better understanding of what the requirement is and what HUD's expectation is for how you handle those kinds of situations. We want to keep the program's reputation intact. We don't need accusations that have not been properly vetted beforehand so that we aren't able to respond immediately. Please do handle those situations proactively.

0:26:51 MF: The other thing that we spent a fair amount of time on was the different assistance types and limits. We covered them in the, mainly in webinar two. And I put this slide up again just to remind you that there are essentially four types of assistance that you can choose to deliver. The first three that you see have always been a part of the TBRA program, the regular TBRA program, providing monthly rental assistance with utility allowance, providing security deposits and providing utility deposits, which by the way, is permitted only if you're also providing rent or security deposit assistance. What the waivers added was the fourth one that you see there, the utility cost, the ability to pay up to 100% of utility cost for water, electric and gas. HUD waived the tenant utility allowance requirement to expedite things and also give the PJ freedom to determine how much assistance to deliver, both for rent and utilities, so they added this fourth category.

Clarification Added After Recording: It is not permissible to run a program that only provides ongoing monthly utilities payments. Those are only permitted in concert with monthly rental assistance.

0:28:00 MF: So, I'm going to go now in these next couple of slides into some of the key questions you asked about that, primarily during our last webinar. The first one was, that I want to go back to, is the background and utilities question. We did provide you an answer at the end of webinar one, and we revisited in webinar two that HUD has examined this issue and come to the conclusion that given the amount of time that the pandemic is ongoing, and given the amount of time that it takes to get a program up and providing assistance, that HUD wanted to allow you to go back and pay for rent and utilities previously due. HUD has concluded that it can permit you to do so on or after March 13th, 2020, which was the date of the national state-wide emergency declarations for the pandemic. And they believed that anything that was due on or after that date, originally due on or after that date, you could pay, even though you might enter into a rental assistance contract now or in the next few weeks, that you could still go back and pay that rent due.

0:29:15 MF: A couple of comments on that that I want to make is that first of all, March 13th is an arbitrary date because it was the date of the declaration, but of course most rent is due on the first of the month. And so for March, questions came in of, "Can we prorate for the latter part of the month after the 13th?" And the answer to that from HUD is yes. You can also pay late fees that are reasonable and included in the lease. And in terms of utility bills, we are talking about when the payment was originally due. Utilities tend to bill after the fact, so the bill that might be due after March 13th might in fact run back into say, February or early March. That's still permissible as long as the due date, the original due date of that bill is on or after March 13th. Again, back rent and utilities is a PJ choice. You can choose to pay only going forward. You can also

choose to go back to these earlier bills as I've just described.

0:30:36 MF: You can also choose among the types of assistance that you deliver. We listed in the previous slide the four different things that you could do, and you could choose to do any of those items. I did note on that slide that utility deposits are permitted by the rule only when you're providing some other form of assistance, rent assistance and security deposit assistance. We've received a number of questions about the new form of assistance to paying utilities directly. HUD provided this waiver to give you flexibility to address the most severe financial hardships, since utilities are an essential component of safe housing. You can choose to either pay the tenant or the utility company for water, electric or gas bills. But we also cautioned you to recognize the administrative responsibilities that accompany this decision. You can only pay for actual bills, so you'll have to have a procedure to collect monthly bills and make monthly payments.

0:31:41 MF: If you choose to pay the tenant rather than the utility company, you're expected to receive evidence that that bill has been paid. So there's an administrative obligation that comes with the decision to pay utilities directly. Some of you have asked, "Can we still use the utility allowance?" And the answer is yes, HUD waived it as a requirement, but it is your decision as to how you deliver assistance under the Emergency Program within the waivers. And then finally, as I noted on an earlier slide, HUD has determined that there's no conflict for paying for utility bills when the PJ is in fact the utility provider.

0:32:23 SL: Monte, can I jump in for just one second?

0:32:26 MF: Sure can.

0:32:26 SL: I'll address one of the questions, and that was asking about to clarify the point about proration. So if you could go back to the prior slide just for one second.

0:32:35 MF: Sure.

0:32:40 SL: So the issue, I think about the proration, particularly I think from a rent standpoint, rent typically would have been due on March 1st, not on March 13th, because under most leases, rent is due on the 1st of the month payable, in effect, in advance for the month. And so, the rent that was due on March 1st for the entire month of March, we can't go all the way back and pay the entirety of the rent for the month, we can only pay for the rent that otherwise is attributable to March 13th through the end of the month. So, March was, if I recall right, is a month with 30 days, the first 12 are prior to the 13th. So just pretend for a moment that rent was only \$1 a day over the course of the month, then I can't pay the \$12 of rent that was attributable to the first 12 days of the month, but I can pay the next \$17 or \$18 through the 30th or 31st in that sort of simplified example. So just to clarify what we are talking about there.

0:33:46 MF: Okay. The next question that we got a number of times in different ways pertain to the tenant contribution. While HUD provided waivers on the tenant contribution and also on the minimum contribution from a tenant and permits a PJ to pay up to 100% of rent and utilities. The PJ still has to determine what assistance is reasonable and can still require a tenant contribution and/or a minimum contribution. The PJ is not required to use the 30% of adjusted income standard, as is in the rule. It could use a different percentage, it could define a minimum, it could cover a given percentage of the rent, it could base the tenant contribution on gross income rather than adjusted income and so on.

0:34:55 MF: HUD has eliminated the regulatory requirement for what the tenant has to contribute, but that also eliminates your safe harbor for determining what is fair, so it's now up to the PJ to determine what is fair

and reasonable. Some of you are going to continue with the same sort of basic approach and others of you may do a slight modification or something completely different. It's important that your policies and procedures lay out whatever your standard is that you're going to use for tenant contribution, because you're not just following necessarily the HOME rule on this particular issue. Steve, have you seen any questions on tenant contribution come in yet?

0:35:47 SL: Yes, yes. There have been a couple. So one of the ones that just came in says, "Could we cover a given percentage of the rent as long as the tenant pays no more than 30% of income, is that correct?" And I would say yes. But I would also add that because HUD has waived the tenant contribution requirement at all there's not explicitly a requirement that the tenant not pay more than 30% of their income, and in fact, even in the normal TBRA program, sometimes people have an opportunity to sort of buy up and pay marginally more. So it's not explicitly prohibited that they pay more than 30% of their income. Of course, from a general policy standpoint, we recognize that that is the threshold at which we determine somebody is rent burdened and we would want to be cautious about doing that in a substantial way.

0:36:43 SL: There was another question a little bit earlier. Again, just about the payment standard and how the waiver affects it. And again, just to reiterate what we've done here is in effect that they've waived the payment standard. You can pay up to 100% of the rent and you also don't have to establish a payment standard or do a rent reasonableness test per se, although the 2 CFR 200 general obligation is to still make sure that we are not paying costs that are clearly excessive. So, those are two of the questions that came in on that point and feel free to add any flavor to my quick responses, Monte.

0:37:30 MF: No, I think that you've captured it, and I want to come back to the point that I mentioned before I asked you, and that is, is that HUD provided these waivers to give you flexibility to respond to need, and yet the flexibility means you also have an obligation to be sure that the design that you use is fair and reasonable. As Steve just said, there's still your uniform administrative requirement to use all HOME funds and other federal funds in a manner that's reasonable and fair. The removal or the waiver that waives these particular standards doesn't mean you can't use them, and they may in fact be the easiest thing to follow. HUD was trying to give you the opportunity to do something with flexibility that might be expeditious without abdicating your responsibility to do what's fair and reasonable. So, I strike that point again, Steve, I think we both hit that pretty hard.

[CROSSTALK]

0:38:44 MF: The other thing that we covered last week were unit standards, and unit standards run primarily to the inspection requirement. You may recall that HUD provided a waiver of the HQS inspections in order to protect both the families and inspectors in this uncomfortable COVID situation that we are in. But we reminded you that the waiver also said that HUD still expects the PJ to do what it can to make certain the families are safe and in safe units. So even though we can't inspect, you might want to do something else to make certain that the units are free of hazards. In addition, we also reminded you that while the HUD was able to waive the HOME TBRA HQS inspection requirement, the lead paint rules were not waived. So, what that means is that for pre-1978 units that are going to be occupied by a child under the age of six, the visual paint... It should say assessment there, I apologize, not inspection, inspection has another meaning in the lead rule.

0:40:08 MF: The visual assessment under lead paint rules still applies, and that is basically a visual assessment of the status of the painted surfaces, looking for deteriorated or deteriorating paint. Those things still must be done. And so you're going to have to figure out how to do that and still do so safely, understanding that we have social distancing while you do these assessments, perhaps tenants leaving the unit, or everybody

wearing gloves and masks, and how else you do this. So please make certain that as you implement this, which we cannot waive, you keep your inspectors and your tenants safe. The other thing that we emphasized was that there's a range of things you can do short of an inspection to try to ensure that you're only assisting units that are free of hazards. And we talked about possibly having the owner and tenant do certifications or walkthroughs, that you review other public inspections such as code inspections for violations, that you do exterior unit drive-bys, and again, the social distancing protocols would come into play in anything that you might choose to do.

0:41:43 MF: One other question that I know has come up, and I don't have it on the slide here, and I wish I had remembered to put it on, Steve, was the post-December 31st comment about inspections. Some of you noticed in the waivers that had talked about inspections after December 31st. That was assuming that you were somehow deciding to continue the rental assistance after December 31st. The waivers that HUD provided only run through December 31st, but if you choose to continue assistance beyond December 31st, which would be under the regular TBRA rules, HUD put a requirement in for you to conduct an inspection within 120 days after December 31st, so that you did get out there to inspect the units promptly after the waiver has passed. If you are letting the assistance expire by December 31st, there's not a requirement for you to go in and inspect after the assistance has expired. That was not the intent of that comment in the waiver.

[CROSSTALK]

0:43:05 SL: So there's a few questions around lead-based paint, and so the first is, "What if there are no children in the pre-1978 unit? Is the visual assessment required?" And unlike rehab, for example, which many of us also work in with tenant-based assistance, we only have to do the visual assessment for deteriorated paint if it's both pre-'78 and we know there's a child under the age of six. If we are providing assistance to somebody who's 75 years old to live in that unit, we don't have to do that. Correct, Monte?

0:43:41 MF: That's correct. It's different than the rehab rules under lead paint because we know who's going to live there during the term that we are assisting the unit.

0:43:50 SL: Right. Also, there's a question basically asking: If I'm only paying for back rent to help somebody catch up who presumably can now pay their rent, do I still have to do the lead paint review? And I think the answer to that is still yes because we are providing assistance to that unit where we are not providing any more on a go-forward basis. We still want to make sure that it meets the lead rule. Again, limited to the situation where it is both a pre-'78 unit and has an occupant of somebody under the age of six. Would you agree?

0:44:30 MF: Yup.

0:44:31 SL: And then here's another one that I know you and I have talked a fair amount about, and that is: Can the lead assessment be completed by video? That is an issue that the Lead Office at HUD has taken under consideration. And I know that we've at least anecdotally heard that maybe some field offices and some different divisions within HUD have conjectured different responses to this. But the advice that we have at this moment is that these need to still be completed sort of in person, which is why we are suggesting considering how to do this in a socially distanced way with PPE, with the tenants leaving the unit temporarily, et cetera. There may be future clarification or additional guidance on that point, but in the near term, we would suggest trying to figure out how to work that still with the sort of real inspection, not a remote video inspection.

[CROSSTALK]

0:45:39 MF: I want to go back to this issue of subrecipients and contractors. We had a lot of questions in this area, more than we had really expected. I think we made it clear last time, actually in both webinars, that the PJ is ultimately responsible for compliance and management of its programs. While some of you may choose to manage the program in-house, we urge you to think about your capacity. I think I talked about the phrase that the Urban Institute used in their analysis for TBRA programs, the adaptive capacity, the notion of, "What capacity do I have that I can redirect into this area of program operations?" What that raises is this question of opportunity cost. What are those staff doing? And what are they now not able to do because of taking on this particular assignment? Also raised the issue of the timeline for this program. It's essentially being done under the waivers, that's a short-term program. You might choose to continue it, but as we start, under the emergency waiver provisions, we are assuming that's a time-limited program that will only occur during this year, so the deployment and redeployment of staff becomes a critical issue.

0:47:10 MF: Some of you may choose to engage a subrecipient or a contractor, and we reviewed the different characteristics and requirements for each, and you see the summary chart there. I'm not going to go back through that, but we can certainly help you sort through the questions about the administrative choices that you are making and hopefully, you will be able to come up with a model for implementation that enables you to stand up the program very, very quickly. A lot of the PJs I've been talking to have been doing their programs through their local authorities or the part of their agency that runs an HCV program or something comparable, where the staff already have experience with most of the TBRA rules and requirements, and are able to quickly add this in without disrupting other activities. But that's a decision each of you have to make, and you are making them based on my conversations with you. So, I encourage you to continue to submit your questions and hopefully, we can help you sort through that. Well, Steve, I think I'm going to hand it back to you now to begin to go through the other questions.

[CROSSTALK]

0:48:33 SL: Okay, thank you, Monte. Again, feel free to keep those questions coming. We are going to try to get to as many of those as we can before we turn things over to Peter Huber. So, a couple more things I want to come back to, since it's just recent, on the whole unit approval set of issues, physical standards, as well as including the lead-based paint. So very early, we had a question about clients who are staying in place. "Do we still need to obtain a unit approval?" And they referenced a specific agency, so I'm not sure exactly what agency, but clearly, we still need to approve the unit as it were, even for a tenant who's in place. They're not going out and shopping for a unit, so the process of that is somewhat different. Under the waivers, obviously, we are not required to do an HQS inspection, but we are required to otherwise develop alternative local procedures to make sure that we are not renting manifestly unsafe units. As we talked about, it may be that we still do those inspections in a socially-distanced way. Maybe there's drive-bys, maybe we are looking at other public records for evidence of code violations, etcetera. So, there's still some level of unit approval, the substance, the grading scale, as it were, is relaxed somewhat and made more flexible, but we can't just ignore the notion that a unit is not appropriate.

0:50:15 MF: Steve, I would add just, since we are talking about in-place tenants, the reminder that the lease waiver addressed in-place tenants by waiving the requirement to make sure that the lease met the §92.253(a) and (b) provisions, the tenant protections, to allow that in-place lease to remain, but still did require the VAWA addendum and a few other things. So that was the other one that addressed in-place tenants.

0:50:48 SL: Yup, yeah, absolutely, a good reminder. Another question that came in relatively early, noting that an HQS inspection is not required, but if during the term of assistance, the PJ receives notice, perhaps via a complaint from the tenant of a safety issue and the landlord is not responsive, what are some options that a PJ might consider? In that instance, while again, the standard is marginally different because we didn't do an upfront HQS inspection, we've identified an alternative procedure. If we do become aware of a meaningful problem, life safety type thing, the electrical panel that's sparking, etcetera, clearly, we need to, and HUD expects us and requires us to, do something about that. And I think we are left with the same set of options that we would normally have up through and including not paying the rent to the landlord if they refuse to fix the unit in a timely fashion. This is something, in terms of at least establishing the contractual obligation to address those, that I know we've built into the sample three-party agreement that we are working on, but I also acknowledge that in the real world, sometimes, these situations are messier than they sound when we write them down on a piece of paper.

0:52:16 MF: I would just add to that, Steve, if I could. The evidence that you want to require in that circumstance since we are not requiring inspections and perhaps your local codes department is not doing inspections during this period. You may want to have some way of the owner submitting evidence to you that they have done the correction, whether it's by photo or by receipt or other kind of thing. Having some documentation that they are cleaning, that they have responded to it, even though you're not in a position to independently verify it by inspection at this point.

0:52:55 SL: Thank you. I think that's a good addition. Absolutely. I'm going to pitch a couple of lead questions to you, Monte. One, a clarification someone's asking. Their understanding of Part Five is that also zero-bedroom efficiency units are exempted. Is that correct still?

0:53:15 MF: Yeah. Well, under the 24 CFR Part 35, which is the lead rule, there are about a dozen exemptions from the rule in §35.113 (*Note, reference is §35.115*), I think it is. And one of those says, zero-bedroom units and that they are exempt. So, if something is exempt from the Part 35 rule, it would be exempt from this visual assessment requirement. There are also provisions in there for elderly units that are not going to be occupied by children under six, but that wouldn't come up here anyway, because our trigger is that there's a child under the age of six.

0:53:57 SL: Right, although that is, interestingly, another question. Someone asking that, even for a unit that is occupied by an elderly household, do we have any obligation knowing that children could visit, for example. Again, the answer is that the regulation is built, in this case, that it's not that we think that the resident is the only person ever in that unit, but we have no regulatory obligation to do that on the notion or the theory that there may be a child under six that visits the unit at some point.

0:54:38 MF: Yeah, the HUD rule Part 35 was built on the notion of the higher the federal involvement, the more that is required. So, most of our PJs are used to the rehab rule, which requires us to address a unit regardless of who lives there on the understanding that children and grandchildren can visit and things of that nature. But Tenant-Based Rental Assistance since it is short-term and temporary assistance the minimal standard of visual assessment is triggered, and it's only triggered when a child is going to be part of the household.

0:55:16 SL: Okay. And this one's going to go deep into the recesses of your brain. Do you, off the top of your head, know the citation? Someone's asking for the citation about that the visual assessment is only required with units that are both pre-'78 and with children under six.

0:55:34 MF: It's Subpart M of the rule, so it's §35.1200 series. I don't have it open in front of me, it's probably like §35.1215 or somewhere very close to that. It's in the Subpart M, which is the 1200 series of the Part 35 rule. It's as close as I can get right now, Steve.

0:56:00 SL: That's closer than 99% of the people in the world are ever going to hope to get. So thank you, Monte. Let's see here, we've got a whole slew of additional questions. There's one about... And I'll take this one, wanting just some clarity around the issue or a question around the issue of environmental review. Normally... Not normally, all the time, the standard is, that we can't do anything, we can't take a choice limiting action, etcetera, etcetera, until we've completed the appropriate environmental review process. Of course, in TBRA, that is likely to be a very quick and relatively easy process. We expect that in most cases you're going to go through and in many cases, folks are going to be able to make a program-wide determination. But the question relates to, "Can I still pay back rent if I've not yet done the environmental?" And I think here, just to separate out the issue, the extraordinary flexibility that HUD is giving us is the ability to go back in time prior to the commitment.

0:57:11 SL: Normally, we can't do that. With most of our HOME projects, there's a special option in the rule for pre-development design-related costs as it were, in say, new construction and in rehab. But in other cases, even if a cost otherwise would have been eligible if it's incurred prior to the commitment – the entering into of the written agreement – then it's typically something that's not eligible. So that's the flexibility. The issue is that we are clearly not going to cut a check and enter into the agreement until we've completed the necessary environmental review. But once we've done that, we are in fact disbursing money on a cash basis that is paying for a debt that was outstanding at the point that we entered into the commitment. This is not where HUD has tried to create, obviously they never try to create, these regulatory chimeras that leave you trapped. And so, I don't believe that there's any particular concern from an environmental review standpoint. You just have to make sure that you've completed the environmental process applicable either to your program as a whole, if you're able to make a program-wide determination, or to the specific unit prior to entering into that agreement with the tenant, with the landlord. And then after that, you would cut the check.

0:58:36 SL: Similarly, another question came in, not on the environmental, but asking if there needs to be a waiver to the requirement in §92.209 that the jurisdiction determine the family is very low or low-income before the assistance is provided. And there's no waiver there and there's no intent to waive that. Again, we are not entering into the agreement to provide the assistance to that family until we have determined their income. The key difference here is how we are determining that income, potentially if you use this waiver, which we expect most people in an emergency TBRA situation will, with the documentation of making that determination, is a self-certification from the tenant, not the normal two months of source documentation. But we still have to document that they've made that certification. That supports our determination that that family is low income. Also, when we are accepting that self-certification, it will address both income, and we are looking at income again moving forward, not what the income was in the past. So, what's their current situation? And we project that forward.

0:59:55 SL: We can accept that relative to their assets, because as we know, assets produce income in many cases. And then also the other thing that is being attested to in the self-certification, is that the family or the household seeking assistance is in financial hardship. Again, defined as either having lost income, including via job loss as a result of the pandemic or being homeless. And so there's nothing changing – we don't enter into an agreement, commit the assistance to somebody until we've made that determination. The change is the level of documentation that we are using. Just going to clear out the queue just a little bit here. Monte, there's a question in here that, in some cases, TBRA is going to be run by subrecipients, although even this issue is the same whether it's the subrecipient or the PJ, who may claim program delivery costs. They want

to know how you estimate and correctly fund those amounts in IDIS. So, without trying to get into the mechanics of IDIS, can you talk about the issue of program delivery and how I might budget that in the set-up for a project?

1:01:21 MF: Yeah. You may recall that last time, actually both times, we mentioned this, that under TBRA, program delivery costs are somewhat limited. Program delivery or what some of us call project delivery costs are what would otherwise be admin costs that can be charged directly to an actual HOME project. And so in a broader HOME administration, that can involve a lot of things that have to do with inspections and work write-ups and things of that nature. There are basically two categories of what HUD has permitted in Part 92 under TBRA, and that is to charge the staff time spent on income determinations and the staff time spent on inspections. Because inspections have been waived, you're unlikely to have much cost in that area, although the visual assessment thing might in fact be part of that. And under the income determinations, the effort level, could be dramatically reduced by the waiver that permits you to not require two months of source documentation but to just go on tenant certification. But there still is an income determination being done.

1:02:54 MF: In terms of budgeting, you would estimate the amount of time, the number of clients that you're going to assist, the amount of time spent on each client. In terms of those two things, the income determination and the inspection, if you're doing anything, and come up with an estimated amount and that's how much you would budget. In terms of charging project delivery time, it's actual time that is spent. So, you would have to have some way of tracking the time or hours spent and charging the direct costs. And to the extent you have an indirect rate, weigh in the indirect rate costs associated with that. So, the budgeting is an estimate while the actual drawdown of funds is based on actual time.

1:03:47 SL: Thank you, Monte. And I would also add, and again, sometimes it's hard to read between the lines. One of the things here, I think reading between the lines is, I don't know the exact amount. And I think that's true any time. With TBRA, we are going to have to make an estimate. And also, it's true on other aspects, not just the program delivery cost, but the utilities. If we are choosing to pay the utilities, the bills are going to vary from month-to-month in most cases. And so we are going to have to estimate in terms of how we set up that project, and in some cases, we are going to have estimated high and we are going to have a little bit left over in that project that will need to be cleaned up at the end. And in some cases, we are going to have estimated low and we may have to go in and amend that project or that activity, I think, to use the proper IDIS term. So, there's always some level of that.

1:04:44 MF: Good point.

1:04:45 SL: A few questions here about the self-certification. Again, HUD is working on a sample form. This is one that will be same as the others. It's an optional form. We would expect that most people will go ahead and take the path of least resistance and use it but you could go out and create your own. We hope that that will be available sometime in the next two weeks or so. So keep watching the HUD Exchange for that.

1:05:16 SL: And again once that sample is out there, people will be able to look at it. Another question is what documentation is required to be submitted with the self-certification to prove the loss of a job or income? And I think this goes back to the nature of what HUD is allowing with the self-certification is that we are relying on an attestation and, some people maybe call it an affidavit, what have you, but we are relying on the tenant having signed acknowledging under the penalty of perjury and the False Claims Act and whatever section of the federal code, all of that.

1:05:57 SL: And so we are going to be able to take that for both for their income, for their assets and for the

fact that they are suffering from financial hardship. A PJ could still as a matter of local program design ask for documentation of the job loss, so a copy of the layoff letter or a copy of some other documentation showing that they've been laid off, but part of the reason I think HUD is allowing the self-certification is that in some cases, employers sort of went out of business almost in a catastrophic type fashion, and there's nobody to even send a layoff notice, for example. So, we didn't want to set people up with that impossible situation and they've given us the ability and the flexibility to rely on those self-certifications.

1:06:50 SL: And then back to the issue you were addressing, Monte, with project delivery cost, someone is asking as an inspection, the actual time spent. And so, I think that they're going back to the notion of, when we are charging project delivery, we can only charge the actual cost. So we may budget based on a presumed average, but when it comes time to actually charge, we are going to say, "We may have assumed that the typical inspection was going to take two hours from the time my inspector left the office, went to the unit, did this, wrote the paperwork, etcetera. That's how I budgeted it." But here, they were inspecting a unit right next to City Hall and it only took them an hour, so we are only going to charge for the actual hour, not for the budgeted estimates.

1:07:50 MF: Yeah, keep in mind that admin and project delivery are both costs that are reimbursed for costs incurred. There's no fee structure on the admin side. We differentiated that from contractors in our previous discussion, so you have to have a way of charging based on time spent. From an admin perspective, you can budget somebody full-time to a program and things of that nature, but when you get to project delivery, you have to be able to identify individual projects which would be individual units in this and unless you've set up an IDIS a little different way. So, I guess I would put it this way, Steve, given that HUD has provided the waiver to increase admin to 25% for these two years to accommodate COVID, I don't see a reason to want to set up an arduous system of tracking individual project delivery costs when a much larger admin cap should cover all the time that's required to run the program.

1:09:05 SL: I absolutely agree with you Monte, I think that's a good point, and it's a point that as TA providers, we have a little bit more freedom to make, is that while it is permissible for you to go through that effort, and as we've tried to cover these are the bounds to do that, when they're allowing you in this specific instance on this topic, 25% admin, it's probably not worth the brain damage to try to track down the time at that level of detail, particularly when the level of effort has been so reduced. So again, that goes back to the broader strategic point but I think we've tried to make it at many of these points is that we need to recognize, and this is true all the time, but it's particularly important to recognize in the case of an emergency program like this, there is a real-world trade-off between having a policy that is highly refined and sort of allows fine-tuning in all of the different permutations versus something that can be achieved quickly, practically, and at a sufficient speed and cost, and we want to be clear about those trade-offs.

1:10:16 SL: Another question related to project delivery is about developing policies and procedures or answering phone calls about the program. Those would not be project delivery costs. Those would be administrative costs. The only project delivery costs permissible in TBRA, again, are related exclusively to the income determinations and the unit inspections for a tenant who's actually receiving the assistance, while the balance all comes from the admin.

1:10:51 SL: I want to go back a couple of questions, one, interestingly enough, if you think about it, it's at the very front of the process and at the very end of the process, so there's a question that says, we are allowed to pay back rent, what if they were two months behind on March 13th, can we pay for those two months? And there I want to be really clear, the answer is no, we are not able to go pay an arrearage that was in place on March 13th. We are only able to pay for rent that was otherwise due and attributable on or after March

13th. So, if they were already delinquent on the January and February rent, I can't go back and make that up. So, I want to be really clear about that. And then the other question is, can we make payments after the 31st of December to cover costs that maybe were incurred in December?

1:11:49 SL: And again, I think overwhelmingly, unless you've got something really strange, December rent is due on December 1st in nearly every case. And so, we are not going to be able to go into January. Basically, the checks, my understanding, and Monte, if you've got any difference of opinion, let me know. But basically, as of December 31st, if the money is not out the door, then once we start to spend money after December 31st, we are back to having to meet all the normal rules, the waivers are gone, and Cinderella's glass slipper is in the past, and we've got to meet all the normal rules under all the existing requirements.

1:12:40 MF: Right. I would just add, Steve, that on the front end of that response, the prior to March 13th HUD indicated that if a PJ believes for some reason it needs to go back further than that, it must request specifically a waiver from HUD, it's not one of the granted waivers or the available waivers from the notice, you would have to separately request that and justify it to HUD.

1:13:10 SL: Yeah, I see another question or two coming in about the notion that utility bills or usage in December may be due in January, so we'll go back and talk to HUD about that. I know that they're working on some FAQs, some of which we were able to essentially preview in this series, and so if there's anything more on that point from a logical standpoint, if you think about it, if we are otherwise looking at when the bill was due and the initial utility bill that we may be paying may have in fact been for usage prior to, then at some point, having the same cutoff maybe rational and consistent. But we'll see where HUD comes down and encourage them to make that point as explicitly clear as possible.

1:14:05 SL: And another question about a listing of all required documents needed for client files that is not yet published, but what I would do is note that is one of the planned products, is some checklists both for, again, at the program level, what documentation, what records should you have, and then also at the tenant file level, what should be in that file. So, watch for more on that. And also, I would always encourage people to go back and obviously, you can look at §92.508 for the various record-keeping requirements. And another thing to note is that, I believe it was earlier this year or late last year, the time all runs together, particularly in the era of COVID when we are all working from home and life has changed so dramatically.

1:15:05 SL: But HUD did recently update the monitoring checklist for the whole program. Obviously, none of that takes into account the waivers, but any time you're looking to sort of say, "What are the normal expectations about documentation, about what needs to be in my policies and procedures?" That's a great place to go look at the checklist that HUD is otherwise going to use to monitor you. With that, it looks like we've covered nearly all of the questions that have come in, and so what I'm going to do is I'm going to advance the slide and turn things over. I'm going to actually jump over this slide and turn things over to Peter Huber from HUD. Again, Peter is the Deputy Director of the Office of Affordable Housing Programs, the home of the HOME Program, and he's going to share some insights from HUD on the process for notifying them about the suspensions and waivers as well as some of what they've seen coming in so far. So, I'll just advance the slides for you, Peter, and let you come on verbally and talk.

1:16:11 Peter Huber: Sounds good, Steve, thanks. Can you hear me okay?

1:16:16 SL: Yes, we do.

1:16:18 PH: Great, thanks a lot, Steve. Thanks, Monte. Hi everyone, my name is Peter Huber, I'm from the

Office of Affordable Housing Programs at HUD headquarters. I wanted to join today's webinar and just briefly discuss what we've been seeing as far as waiver and suspension requests coming in from our PJs. First, I want you all to make sure that your waiver requests are being sent in by email to your local CPD field office, and also to the HOME COVID-19 mailbox which you can see on your screen there at homecovid19@hud.gov. Some of these requests require us to have our IT contractor make manual changes in IDIS, so it's important that we receive those requests in order to get that work done in the system, and our system changes are typically being completed within a few days, probably a week at the longest.

1:17:20 PH: So, the first thing I wanted to mention today is that there are many HOME PJs that have not submitted a single waiver request. Now, perhaps that's because they didn't know the waivers were applicable to them, or maybe they haven't thought through implementation of the waivers and how they would apply to their specific HOME program in their jurisdiction. Either way, if you're working for a PJ that hasn't submitted any waiver request, it's not too late, not too late to submit these requests, as soon as you determine which waivers you're going to implement.

1:17:56 PH: From our perspective at HUD, there are some waivers that should be no-brainers, like the 100% match reduction waiver. Why would a PJ not want to implement that waiver? A PJ can continue to accumulate matched contributions and use those contributions for future years when it may not have as much match and no match reduction, and we realized quite a few PJs already have match reduction based on fiscal distress. But for PJs that don't, it seems to us that they would want to implement this waiver at the very least.

1:18:36 PH: So that's the match reduction waiver. Second, we have waiver requests for some, but not all of the flexibility as provided in the TBRA waiver. So, you spent the last couple of weeks talking about Emergency TBRA, and the waiver requests that we've seen coming in makes it look like the PJ hasn't given consideration to the program it's administering and what waivers it needs to implement and administer its program during the pandemic. And I should also note that it's fine to send in a second request if you have additional waivers that you didn't request to implement, that you later determined that were ones that you wanted to implement. So yes, definitely fine to send in a second request. Can you go to the next slide, please?

1:19:32 SL: Yeah. Could I jump in and add a couple of notes and/or ask a couple of questions. So first, we had a question come in about, "Is there a waiver request form?" And to my knowledge, there is not. I think, I just want to be really clear. I would basically make a bullet point list and cite specifically the waivers that you intend to use, but HUD has not provided a specific form per se.

1:19:57 PH: That's correct.

1:20:00 SL: And then the other... My other point completely slipped my mind, Peter, so I will advance the slide and...

1:20:09 PH: Well, feel free to interrupt when it comes back.

1:20:10 SL: Yeah, yeah, if it comes back, I will come back on it.

1:20:15 PH: Okay, so there are other considerations that should be given to some of the other waivers that are available. For example, the flexibility to increase the administrative allowance to up to 25%. So that may be an issue for some PJs if you've already allocated your grant to HOME projects and programs, the increased admin amount, it's coming from somewhere. Yeah, that's right, it's coming from your EN funds, so increasing your admin allowance up to 25% it's just going to decrease the amount of HOME funds you have available for

projects and programs. So, be aware of that.

1:21:00 PH: The elimination of the 15% CHDO set aside is also something that you should consider. These funds would also become EN funds, and they're not coming from EN funds, but they would be additional EN funds if you move them out of the CHDO set aside. Obviously, they could still be used to fund CHDO projects even if they were not CHDO funds any longer.

1:21:27 PH: Each PJ should be looking at its open activities to make sure there are no HOME projects that will not meet the four-year completion requirement before December 31st of 2020. And for projects that will not meet that requirement, that four-year completion requirement, the PJ should definitely implement the waiver that moves the completion date to December 31st, and then they can request a one-year extension from that date if they're going to need that. So, if the project will finish up some time in calendar year 2020, they're going to want to implement the waiver and then request an extension.

1:22:06 PH: So, we also received notice from at least one PJ that wanted to implement waivers for specific agencies within the PJ's jurisdiction. And just a reminder that we can't grant a waiver for a specific agency, the waiver would apply to the PJ as a whole. There's no way we can track specific agencies within a PJ's jurisdiction.

1:22:34 PH: So, as you can see, we have a mixed bag when it comes to waiver requests that have come in. If you have any questions about HOME waivers, you should definitely reach out to your CPD rep in your local field office. And with that said, I guess as a representative of OAHP, I'd like to take a minute to thank Steve and Monte for this series of webinars that they've conducted over the past few weeks, and the resources, the sample agreements and other things that they're working on with my office to help our PJs respond to the crisis. We all know this has been a huge amount of work and a lot of information to convey and to help PJs make sense of. We appreciate all the work that Steve and Monte put into this training and all the work they continue to do on a day-to-day basis in support of the HOME program. From our perspective at HUD headquarters, we hope that you found these webinars useful and will be able to take this information back to your jobs and administer a successful Emergency TBRA program.

1:23:46 PH: And just as a final reminder, make sure that you're periodically checking the HOME COVID-19 page on HUD Exchange for additional resources as they become available and definitely make sure that you're signed up for the HOME Listserv so you'll be apprised of resources as they become available. And with that, Steve, I'll turn it back over to you and Monte. Thanks a lot.

1:24:11 SL: Sure, thank you, Peter. Just hang on for one quick second 'cause I've remembered my other question. So, the other point that I would make on your behalf and let you react to is that I've heard of some PJs that are seeking other waivers that aren't a part of the memo. And of course, there's always a process for waivers to the regulation for items that aren't statutory. But my presumption is that it is advisable to submit those separately, not to just bury, if I'm asking for a waiver to some other provision, not to bury that in the list of what otherwise really is a pre-approvable list of waivers that people are only notifying you of, but to ask for that separately, to do that with separate documentation, to call out attention to the field office so that that doesn't get lost in the stream.

1:25:03 PH: Yeah, that makes sense to me. I wouldn't want it to get lost. And these waivers that have already been approved we are just asking PJs to let us know which parts of the waivers or which waivers or suspensions that they're going to implement. Anything that is above and beyond that, that wasn't included in those waivers and suspensions would have to be reviewed and acted upon separately. So, yeah, it definitely

makes sense to send something separate in to be reviewed and acted upon. Good question.

1:25:38 SL: Yeah, and then another question was wondering if it's problematic to request a waiver and then not end up using it. The one thing I would say is that in certain circumstances, you may request a waiver for example, acknowledging that you're going to go ahead and take advantage of the waiver of doing HQS inspections. But at the local level you may come up with a policy that says, provided that we can otherwise get the tenant out of their unit for half an hour in a way that is not problematic for them or not making them go stand outside in the cold or what have you and that we've got the personal protective equipment, etcetera, that we still want to inspect the units, for example. In some units we are going to inspect, in other cases where there's not a safe way to do it, we won't.

1:26:27 SL: So it may be that your program design needs some of the units in that way to be exempted and others you're still going to go ahead and do that so there you're not fully utilizing the waiver and I don't think that that's necessarily problematic. Peter, do you see a big problem if somebody, for example, says, "Hey, I'd like to request the waiver on the four-year completion deadline." And then it turns out that they didn't really need it, that all other projects got completed in the original four-year deadline. I don't see that being problematic, do you?

1:26:58 PH: No, absolutely not. I think generally speaking, it's going to be better to request to implement the waiver and not need to, then need to and not request it. Definitely wouldn't present a problem if you wanted to or requested to implement the waiver and then didn't need it in the end.

1:27:21 SL: One more reminder about some of the stuff that's coming, so again, we are working and watch for all of this on the Listserv and on the Exchange, that Sub-recipient Agreement for Emergency TBRA, associated policies and procedures, the three-party rental assistance contract, the tenant application, various file checklist. As we've also noted HUD is working on a tenant self-certification form which will probably be embedded within the tenant application as well, two different iterations. Just again, watch for those. We are trying to make those tools available to help you, but if you've got something that you feel meets your needs better or you've already got something in place, that's fine as well because these are always voluntary. Now I'm going to do is jump back to this and just again, a couple of next steps as we finish up this particular webinar series. Again, you can go back and review the prior sessions as needed. We are going to get all of those transcripts and recordings up as quickly as we can.

1:28:28 SL: If you do have additional questions, the standard advice is, if you're a PJ you should be asking your field office, if you're a sub-recipient or a contractor you should be talking to your PJ, and if you're a field office that need some help here, talk to the desk officer assigned to your field office at headquarters in the Office of Affordable Housing Programs. And I think, again, I think just some key points. Thank you, I thank everybody on the line for the work that you do in the communities. I always tell people and I know Monte feels the same way that it's an honor and a privilege to be able to work in this program and work with you but at the same time, you folks are much closer to the low-income households that are receiving the assistance and making incredible differences in their lives, so thank you for the work that you do in your communities. As much as we want to move quickly, remember that we have to be thoughtful and we want to do some level of planning to make sure not only are we having the impact that we want but also that we are doing it in compliance remembering that trade-off between finesse and speed or the old saying of letting the perfect get in the way of good enough.

1:29:40 SL: Making sure that we don't do that in this emergency situation and also remembering that the environment is fluid as Dr. Fauci has said the virus will decide the timeline. As much as we wish we could will

it out of existence and there may be additional federal, state or local responses from both a policy standpoint as well as from funding standpoints. If you watch the news you know there's a lot of different proposals out there, none of which have actually passed both the House, the Senate and been signed by the President, but a lot of different proposals and inevitably we don't know what will happen, but something that we don't yet know will happen. So with that, I very much appreciate your time and attention. We'll give Monte a moment to say any last words and then we'll get you out of here for the afternoon.

1:30:33 MF: I think you've said it well Steve and as somebody who's in the risk population all I can say is wear protection and wash your hands and I hope to see you sometime soon in person.

1:30:46 SL: Okay, well, thank you again everybody and enjoy the rest of your afternoon or your morning depending on where you're at in the country.