

HOPWA COVID-19 Waivers: Managing Waiver Activities and End Dates

September 17, 2021

SLIDE 1

Valencia: Hello everyone. And welcome to HOPWA/COVID-19 waivers: Managing Waiver Activities and End Dates. Today is September 17th, 2021. Today's webinar is being recorded and will be made available on the HUD Exchange within the next 48 hours. Also PowerPoint slides used in today's webinar will be emailed at the conclusion of today's webinar. We're going to give you guys about one more minute to allow everyone to file into the classroom and then we'll get started on time. Thank you all for joining us.

All right. Now we're going to start today's webinar and we're going to turn it over to Kate Briddell for instructions on Q&A and if you have questions during the webinar. Kate. Kate, you may be muted, we don't hear you.

SLIDE 2

Kate Briddell: Thank you for that reminder. You'd think a year and a half into this pandemic I would have gotten that right. So thank you again, Valencia and thank you all for joining us today. Collaborative Solutions is pleased to welcome you to this webinar, HOPWA/COVID-19: Managing Waiver Activities and End Dates. Today's speakers are going to be myself, Kate Briddell and Crystal Pope. We are also joined by Rita Harcrow, the Director of The Office of HIV/AIDS Housing and Amy Palilonis, the Supervisory Housing Specialist. Monitoring the Question and Answer box is Emily Fischbein from Collaborative Solutions.

SLIDE 3

So, today's, sorry, webinar topics are going to be the end dates provided for all the COVID-19 waiver provisions as of this date, some suggestions for managing activities when the waivers end, we're going to talk about HOPWA flexibilities and make sure you have access to the COVID-19 guidance, updates, and resources, and then we're going to do some Q&A. So please note that the waiver end dates referenced in this webinar are based upon the information provided as of today. So be sure to watch for any updates to this information through H.gov and the HUD Exchange.

SLIDE 4

Today's webinar, we just want to remind you that on March 31st, 2020, OHH issued a series of waiver memos. And then on June 30th, two more waivers were issued to extend the deadlines of certain waivers. Today's webinar will

give you a brief summary of the existing waivers and, sorry, the existing waivers and then current end dates and much more. So now I'd like to introduce Amy Palilonis, the Supervisory Housing Specialist. Amy.

Amy Palilonis:

Hi everyone. And thanks, Kate. I just want to say thank you all for attending today's webinar. We know that everyone's eager to hear more information on the status of the COVID-19 waivers and the additional flexibilities available to low-income people living with HIV to help them stay housed and healthy during the pandemic. As Kate mentioned, the information presented in this webinar is current as of today, September 17. So as the COVID pandemic evolves, we're really trying to remain as flexible as we can and provide you all with the tools and information necessary to continue carrying out your jobs in a safe and effective manner. OHH and our other HUD colleagues are closely monitoring the situation and considering grantee and client needs. And we'll absolutely keep you all updated if there are any changes to the waiver end dates or other important information.

The purpose of the COVID-19 waivers and other program flexibilities made available during the pandemic has been to make the provision of needed housing assistance and supportive services easier and safer during this incredibly difficult time. And we at OHH sincerely thank all of you for the hard work you've done over the last 18 months to adapt your programs and practices and continue working to meet the housing needs of low-income people living with HIV and their families. So I know this will be repeated numerous times today, but I can't recommend enough that you sign up for the HUD.gov and HUD Exchange HOPWA list serves if you haven't already. Those mailing lists are how all HOPWA program related information and updates are disseminated, both from The Office of HIV/Aids Housing and our technical assistance providers.

If you have any questions at all about the specifics of the waivers or other flexibilities and information we'll be discussing on this webinar, please don't hesitate to ask those today, and we will do our very best to try to answer them for you. If we don't get to your questions today or if anything comes up after this webinar, please submit your questions to the Ask A Question portal and we will make sure to get a response to you. Back to you Kate.

SLIDE 5

Kate Briddell:

Great, thank you. Well, you just segued perfectly into my next slide, which is please submit your questions. And when you do submit them, please use the Q&A box located at the bottom of this screen. If you do submit them to the Chat, you will be redirected to the Q&A box. As Amy said, we probably won't be able to get to all of your questions today. So please use the AAQ that is available to you. All right. With that, I'm going to turn it over to Crystal Pope.

SLIDE 6

Crystal Pope:

Thank you, Kate. So, as we've mentioned at the beginning, this webinar is intended to provide an update on the HOPWA waivers, their expected end dates as of right now, and some suggested next steps for grantees and sponsors to consider when reverting to pre-waiver program operations. In addition, we want to talk about some of the HOPWA program flexibilities that have been granted for activities that are not regulatory, and so not included in the waivers and how to manage those going forward as well. So full disclosure, the slides in this deck are very text heavy and we'll do our best to summarize the information and focus on what the main points are. However, all of this information may be helpful to you as a reference document, and it will be sent out to you afterwards. It will also be posted on the HUD Exchange in the near future.

SLIDE 7

So, as we walk through the waivers, remember that in order to make use of the waiver provisions, grantees must have notified their HUD field office of their intent to utilize the waivers. And excuse me, and that includes the waivers that were issued to extend the deadlines. Make sure that if you want to make use of those extended deadlines, that you also have notified your field office of the intent there. So, starting with the Self-Certification of Income and Credible Information on HIV Status waiver, which allows programs to accept self-certification of income from clients and family members when source documentation or documents are not immediately available. Likewise, you may accept self-report and other information about HIV treatment in lieu of medical documentation. This requires programs also to obtain the source documentation at a later date.

The waiver ends on September 30th and the source documentation on households for which the waiver was used must also be obtained and in your records by September 30th.

SLIDE 8

Some suggested next steps to consider include making sure you have procedures in place, always, for obtaining the source documentation. I expect that any of you who have used this probably already have that in place. We also suggest having a schedule for this to help with tracking and implementation. And you should also document the work done to obtain the source documentation, including any appropriate notation in client files.

SLIDE 9

This question has been asked by a number of grantees lately: What happens if source documentation reveals that a household is over income and/or the qualifying family member is not HIV positive? So, the bottom line on this is that the household is determined to be not eligible. And if so, that needs to be clearly documented and the assistance that's being provided must end. Please note though that there's no expectation for programs to recoup funds in situations like this. We don't think it will happen a lot, but in the event that it does, there is no recouping of funds that's expected. And it's also recommended that you help people who are determined not eligible for this program to find other assistance sources to the extent that you are able.

SLIDE 10

Next is the FMR Rent Standard, which we know is of great concern to many of you. This waiver allows grantees to set rent standards that exceed the FMR or other current rent standard, as long as the units are shown to be rent reasonable. So, it provides some of that flexibility.

SLIDE 11

The availability of this waiver currently ends on December 31st of this year, which has led to many grantees and sponsors to ask if existing leases above the rent standard or the FMR must end on that date. And the answer is no. These households that you have above the rent standard at the end of the year are not required to immediately be returned to the prevailing rent standard. There are a number of strategies you can use that will allow you to return households to the post-waiver rent standards over time.

SLIDE 12

So, there are a couple of things, excuse me, to point out here. First, when using the waiver, you can still allow leases to be signed above the rent standard as long as it's rent reasonable through 12/31 of this year. But that waiver option obviously, at least with the information that we have right now, that waiver option ends and cannot be used for new leases signed after that date. As always, we urge people to take care in how many units are allowed above the FMR or rent standard. You have to watch your budgets to be aware of how the higher costs will impact the program in the next year going forward.

And now is a good time to look at strategies that could work for you in returning households to the post-waiver rent standard over time.

SLIDE 13

So in looking at strategies, be aware that any leases you executed within the waiver period through 12/31 are allowed to remain above the FMR or rent standard at least through the end of that lease. So that will help some, but may still be too short a time for households in the situation they're in. So there are a number of existing strategies within the HOPWA regulations and guidance that you can use to allow units to remain at the higher rent standard for at least some period of time.

SLIDE 14

Option one can be used if you have a lease or leases that end prior to December 31st. You can allow those households to renew their lease at the current higher rate prior to December 31st, as long as the unit is rent reasonable. This extends the lease into the next year, obviously. And then when the lease is nearing its renewal date, you can look at using additional strategies if that's needed with that household at that time, but that's a beginning point.

SLIDE 15

Another option for grantees that are currently using the FMR as their rent standard: If your public housing authority, your local public housing authority has established what's called a community-wide exception rent standard, which they can do, up to 110% of the FMR, then the HOPWA grantee has the choice of using that higher rate as their payment standard, their rent standard for the HOPWA program. And that is something you can just choose to do and apply it to the program if you have not and if that's available to you. That slightly higher rate may allow some of your above FMR units to remain in compliance. And it would apply to all rental units, not just those related to the waiver.

SLIDE 16

Option three is something you may already be doing with some of your rental units. The HOPWA regulations allow a grantee to increase the amount of the established rent standard by 10% for up to 20% of the units you're assisting. This option may help you allow some units that we're talking about here to remain at the higher rent standard. However, remember that the 20% threshold applies to all assisted units within your program, not just those that are assisted under the waiver. So you would just be careful with tracking. And this is something that I think a lot of you are familiar with in cases where you need to make exceptions to the rent standard, that you have that built in 20% flexibility to do so.

SLIDE 17

So Option four borrows from HUD's Housing Choice Voucher Program and allows grantees to wait to apply the new rent standard, in this case, that's the post-waiver standard, whatever the standard is, until the second anniversary of the lease start date to allow more reasonable grace period for households to come into compliance. Again, this is an option that will increase budgets for you and your rental program over the next year or more. So just keep that in mind, but that is an available option.

SLIDE 18

So Option five, this probably should have been listed first and is the one that lots of grantees and sponsors already utilize in their programs. It's sometimes possible to negotiate renewal leases at a lower cost that falls within the FMR or rent standard, particularly for households that are only slightly over that limit. And those are the kinds of conversations that really need to start at least 60 days out before a lease expires to allow for adequate time. And if landlords say no, to be able to then look at other options for that household. But that is always something to try, and lots of people have been successful in making that work.

SLIDE 19

So some combination of those five basic strategies should help you work with households to minimize any instability or disruption such as might happen if people had to move from their current units with short notice, we really don't want to see that happen. However, we know that there may be some circumstances under which you'll need to help people move to another unit, that may happen. It may happen now, it may happen later at the end of other leases. Programs that are funded for PHP, of course, will be able to provide help in covering cost to access another unit with deposits and so forth. So that is another option that's available.

SLIDE 20

So moving on to the waiver for Property Standards, this allows grantees and sponsors to waive the requirement of having an actual physical inspection on site for all HOPWA rental housing units due to COVID-19 safety concerns. It's one that can be used as long as the program is able to visually inspect the unit remotely and have policies in place to reinspect those units later by a certain date. And this only, and we'll talk about this, but this only pertains to initial inspections and not to annual re-inspections.

SLIDE 21

So as you can see, based on the recent extension, this waiver ends on September 30th, 2021, meaning that after that, physical initial inspections must resume before approving rental assistance in a unit. Also, the date by which the physical re-inspection of those units for which you used this waiver that were virtually inspected, must be completed by the end of the year, by December 31st.

SLIDE 22

And things to consider. So starting October 1st, 2021, initial unit inspections must be conducted physically onsite. You'll need a schedule to manage those physical re-inspections to ensure that they're completed by that date as required. And we recommend, as always, that you update your policies and procedures to (everybody's favorite thing) to guide the process, including any additional safety protocols you feel are needed based on your own local conditions and circumstances.

SLIDE 23

Grantees and sponsors in a lot of areas have raised concerns about safety, understandably, asking questions like this: If our clients, staff, and our landlords have concerns about safety, especially when local COVID rates rise, how should we proceed with physical inspections and still ensure everyone's safety? This is a requirement that programs are required to meet. But really the safety of all people involved is still the most important priority here.

We encourage grantees and sponsors to implement safety protocols during inspections to help protect everyone involved. These may include requiring masks and implementing social distancing on site, things like limiting the number of people who are inside a unit during the inspection, opening windows and doors for ventilation, and other similar measures. Remember that these are initial inspections, and so clients, it's a little bit different than your annual re-inspections, our clients are not already living in this unit. So it should be easier to minimize the number of people who are around each other. And again these requirements do not apply in the same way to the annual re-inspections that are normal program practice. HOPWA has allowed programs to delay annual inspections or to use virtual methods as a program flexibility. So I'm going to turn it over to Kate at this point to talk more about that and the rest of our slides.

SLIDE 24

Kate Briddell:

Thanks Crystal. So as Crystal said, the waiver does not apply to annual re-inspections, but we've gotten a number of questions that are similar to this: We

understand that annual re-inspections are not part of the property standard flavors, which only relates to initial unit inspections required prior to lease up. How should our program proceed with scheduling and implementing annual inspections? So you're encouraged to resume annual unit inspections when they can be done safely in your community. If doing onsite inspections aren't possible, then you are encouraged to start or continue conducting virtual inspections. You may remember that an earlier webinar was done on how to conduct virtual inspections, and you can find that online at the HUD Exchange and through the link that will be provided to you in the slide deck.

SLIDE 25

So my Slide 25 didn't print, sorry. "If we do not conduct annual inspections, are there other ways to ensure that units are safe?" So we really encourage you to get creative here. So when you're having a conversation with your client, make sure you ask about the condition of their unit. Ask the clients to test their smoke detectors. You may want to do that when you're on the phone with them, sort of like we saw in the virtual inspections video. And if you're conducting case management by phone, you might want to do FaceTime or Google chat so that you can see the unit and the client can show you any of the problem areas. And they may want to take pictures and send them to you of any problems that they're having. So you should note any concerns in the case record and relay the safety concerns to the landlord. Also make sure your clients know that they can call you about concerns with their unit even if the inspections are delayed.

SLIDE 26

So, enough about inspections, we're going to talk about the time limits for Short-Term Housing and STRMU. So this waiver includes both Short-Term Supported Housing and STRMU. And the Short Term Supported Housing waiver allows HOPWA eligible clients or households to be housed in a short-term supported housing facility for a period of up to 120 days, versus the 60 days in the Regs. And for STRMU, the waiver provides for the option of providing up to 52 weeks of assistance in a 52-week period on an individual household basis.

SLIDE 27

Some important dates to remember is that as of today, the waiver availability for extension of short-term supported housing and STRMU assistance ends on December 31st of this year.

SLIDE 28

So some time limits for the Short-Term Supported Housing. We've already talked about number one and two in the previous slides. And so number three, you'll see if a HOPWA eligible household is actively receiving short term

supported housing assistance on December 31st that is expected to continue beyond 60 days in a six-month period, they may continue to receive the assistance after December 31st, up to the waiver maximum of 120 days in a six-month period. Now, that's for clients who are actively receiving assistance. So number four, grantees should adopt strategies to ensure that programs properly end the availability of extended housing under this waiver and transition clients to other housing options as needed. Don't forget to update your waiver related policies and procedures to include this information.

SLIDE 29

So time limits for STRMU. Again, the time limits for STRMU would be, they end on December 31st. So no new households may be approved for the extended STRMU based on this waiver after December 31st. And again, like with the other Short Term Supported Housing, if a client is actively receiving STRMU assistance based on the waiver on December 31st, they can continue to receive STRMU after December 31st, up to the waiver maximum of 12 months in a 12-month period. And then HOPWA eligible households that are in need of additional STRMU assistance but aren't eligible as the waiver ends, say they've used all of their time, but they still need more assistance, they can be transferred to CARES Act funding or your FY 20 funds designated for COVID, if you have those available, which has a maximum of 24 months of assistance.

SLIDE 30

The next waiver is about HOPWA Space and Security. And so this waiver allows grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use another appropriate space in their facility to house clients for quarantine services. Those available spaces, those optional spaces may include the temporary placement of families in hotel/motel rooms or areas within facilities, for instance, that may not allow for adequate space and security for themselves and their belongings. So please note that there's no specific end date for this waiver, and you may continue to use this waiver as local conditions require.

SLIDE 31

So some suggested next steps and considerations regarding space and security is make sure that your policies and procedures are in place to guide the use of this provision, including notating where you might be using the optional spaces and which ones would be approved. And then make sure you document the use of the waiver and the reasons it is needed, which would be related to COVID-19 quarantine or emergency housing needs.

SLIDE 32

And a reminder that the option to designate FY 2020 funds to COVID is still available. You may recall, as we've mentioned a couple of times, you can designate a portion of your 2020 funds for COVID-19 activities if you have used all of your CARES Act.

So please be reminded that the use of 2020 funds must be approved in your federal 2020 Annual Action Plan. If you've already received approval for your 2020 action plan and didn't designate funds to be used for allowable activities to prevent, prepare for, and respond to COVID-19, including the provision of PPE, then you will need to amend your Annual Action Plan. All FY 2020 formula funds used for COVID-19 response will receive the same benefits and flexibilities as the CARES Act funding for administrative costs, for STRMU, for hotel stays, et cetera, as described in this CPD notice.

Crystal Pope: Kate.

Kate Briddell: Yeah.

Crystal Pope: Can I just chime in on something?

Kate Briddell: Please.

Crystal Pope: One of the reasons that we wanted to include this is that we really believed that at the beginning of this pandemic that people, I mean none of us, had any idea how long it might last and how much resurgence there might be and therefore how much need you might have for COVID related activities. So this is just a reminder that it is still possible to do that kind of set aside of some of your FY '20 funds to apply to this purpose.

Kate Briddell: Thank you for that, Crystal. All right.

SLIDE 33

So now we're going to talk about program flexibilities. So these are flexibilities that the Office of HIV/Aids Housing has been able to work with for COVID that are not regulatory waivers. You may be familiar with these.

SLIDE 34

So as I said, HUD has made a number of program flexibilities available in areas not governed by regulations. And some of them may continue after the CARES

Act funds are depleted but some will end specifically at that point, and I will detail those in the following slides.

SLIDE 35

So for transportation, transportation being gas cards and vouchers for client transportation, may continue with regular HOPWA funds after, sorry, COVID-19 funds have been depleted. You need to make sure you have procedures in place for appropriate documentation. But car repairs for client vehicles can only be done with CARES Act or FY '20 funds designated for CARES Act activities. So this activity will end once those funds are depleted.

SLIDE 36

Nutrition. Grocery cards and meal and food delivery can both continue with regular HOPWA. Please continue to use appropriate documentation and tracking for grocery cards.

SLIDE 37

And Infection Control. So eligible under supportive services if they're specifically needed related to COVID-19 risks. You can continue to use your HOPWA funds for these. However, you must demonstrate that HOPWA is the payor of last resort for PPE, not for supplies.

SLIDE 38

Phone and Internet. So the phone, you can continue to use regular HOPWA funds when needed to address COVID-19 health and safety concerns. That's if you are providing cell phones or phone cards or wireless plans for your clients so that you can stay in touch with them. You can continue to do this, but phones and wireless plans need to be owned by the sponsors and then loaned to the clients. Internet service can only be provided under CARES Act or FY '20 funds. And so once you've depleted those funds, you may no longer pay for your clients' internet services.

SLIDE 39

Hotel/motel vouchers. So hotel/motel vouchers, you can continue to allow clients to stay beyond those 60 days in a six-month period using your regular HOPWA funds. So please note that these are a temporary measure and that you really need to be working on those housing plans so that you can get clients into a more permanent housing solution. So using the hotel/motel vouchers for non-HIV positive family members, for quarantine or isolation, those are also CARES Act or FY '20 designated funds only. So those activities would have to end once you have used all of your CARES Act funds or your FY '20 funds designated for

COVID. Same thing goes for hotel/motel damages, that is only CARES Act funds or FY '20 funds.

SLIDE 40

So now we're going to talk to you about some resources.

SLIDE 41

You all should be really familiar with the Notice already, of the CARES Act implementation and the Mega Waivers one and two. And we put out a chart a while back about HOPWA COVID-19 Activity Cost Eligibility. All of these are available on the HUD Exchange.

SLIDE 42

And then the waiver extensions are also there. And we also wanted to make sure you had some information. You may have seen this come out on the HUD Exchange recently, this summary chart of HOPWA waiver end dates, which is effective as of today. So that just got posted on the web. And then you'll be able to find that actually on the HOPWA COVID-19 HUD Exchange resource page. And then also don't forget to visit the HUD.gov HOPWA COVID-19 resource page. You'll find a lot of the same information in most of those places, but HUD.gov is the official place for HUD to list their information.

SLIDE 43

So some additional HOPWA information. This week, HOPWA waivers were made available to Louisiana, New York, and New Jersey to facilitate recovery from Hurricane Ida. And so that can be found on that link as well. There are some very specific provisions regarding that. So if you are in one of those affected areas, please be sure to read those so that you know what those are. Crystal, did you want to add something?

Crystal Pope:

I just want to add that there's at least one provision in those waivers that would apply to people outside of those areas who are helping people who left the area and have relocated temporarily in your area that will allow you some flexibility in getting them qualified for the program. So it's not a bad thing for everybody to just take a quick look at, especially if you're seeing folks moving into your area as a result of those storms.

Kate Briddell:

That's a really good point, Crystal. Thank you for that.

SLIDE 44

And as always, we are here to answer your questions. So please submit your complicated questions to the HOPWA Ask A Question help desk. And if you need to request technical assistance, please do so. You can do that through the HUD Exchange and explain what it is you're looking for and HUD will do their thing.

SLIDE 45

So that's it for our presentation. We are now open for questions. I'm going to turn it over to Emily.

Emily Fischbein: There we go. Got the technology to work. Thanks All. Okay, we've got a lot of questions. So I'll just start with a basic one, are these waivers specific to HOPWA CARES funding only or any HOPWA funding?

Crystal Pope: These are applicable to any HOPWA funding. Amy, you can correct me if I'm wrong. But when you think through it, when it's an FMR waiver and you're using some of that money, for instance, to add to your TBRA program, to cover higher rents, it doesn't matter whether you're using just CARES Act money to do it or a regular HOPWA. It's a waiver of the regulatory requirements.

Amy Palilonis: Yes, so Crystal's right. Sorry, I was just furiously in the Q and A box typing, so I'm sorry for my delay. But yeah. And the waiver memo actually indicates what waivers are for all funding and then what waivers aren't. So all of the waivers are for all HOPWA grants, except for the waiver that extend STRMU to 52 weeks in a 52 week period, because that one's not applicable to the CARES Act because under the CARES Act, STRMU can go for 24 months. So that waiver is not necessary for that pot of funding. But other than that, all of the waivers are for all HOPWA grants. But again, that information is in the waiver memo, so definitely check that out.

Emily Fischbein: Thank you, Amy and Crystal. So that was a good segue to our next question about STRMU waiver. We have a question, and I think this is a clarification on something Crystal said about the year, the starting date and the ending date perhaps. The question is, does the 52-week waiver for current clients on STRMU apply through December 31st of 2022?

Crystal Pope: So the 12 month period is based on what your program has set as the eligibility year. Right now, STRMU, or prior to this, STRMU could be provided for up to 21 weeks in a 52-week period. That 52-week period is your eligibility period. And it depends on how your program has that set up. It may be your program year, it may be your funding year, it may be a fiscal year, or you may even do it separately for different clients based on when they started in the program. So there's not just a one date answer to that.

Amy Palilonis: So before this webinar, we anticipated some complicated STRMU questions just because of the nature of the waiver. And so we always encourage you to submit questions to the AAQ, but for these specific time period related STRMU questions, we definitely encourage you to put them in AAQ and we can give you an individualized answer based on the information that we have.

Crystal Pope: Absolutely. Because some of these, it does start to feel very complicated when you're stopping one stream of STRMU funding and trying to start another and figuring out and making sure that there's not some overlap. So we are always glad to help through the AAQ in figuring out those more complex scenarios.

Emily Fischbein: Thanks, Amy and Crystal. We have a question, is short-term housing considered hotel stays as well? Or the inverse would be, are hotel stays considered short-term housing?

Amy Palilonis: For the purposes of the waiver?

Emily Fischbein: Yes, I think so.

Amy Palilonis: So no. So the hotel/motel vouchers aren't included under the waiver. They don't have a specific regulatory limit to them. Although I believe this was mentioned in the webinar, that we do encourage and provide guidance that the time limit for the hotel/motel vouchers should mirror the Short-Term Supported Housing. So no more than 60 days in a six month period, just because hotels and motels aren't a permanent housing solution and should really just be used as you work to get folks into permanent housing, or for the purposes of the pandemic to isolate or quarantine folks. So a specific regulatory waiver isn't needed to extend the timeframe on those, just because that timeframe isn't specifically in the regulations for hotel/motel.

Emily Fischbein: Thanks, Amy. Here's a question about the documentation waiver. In the case of the deadline for getting an HIV diagnosis documentation when a COVID waiver was used, what do we do if the individual is no longer in the program and can't be located?

Amy Palilonis: I think it's just, you try your best to locate them. And then document that in the client files, the attempts that were made to locate them and the issues that you were having in locating them. I don't know if-

Crystal Pope: You provided that service to them in good faith based on the waiver. And as long as you just note that in your records, that should not be a problem.

Emily Fischbein: Great. Thank you. We have a question about, is the waiver of FMR allowed for STRMU?

Amy Palilonis: Yes, I think I answered this in the chat. I just want to remember how I answered it. Or maybe it was a different question. So the FMR requirements, providing

STRMU assistance, you don't need to follow the FMR requirements in order to provide assistance. FMR is really more for the ongoing rental assistance activities. Although I know that our guidance has always stated that you should be providing STRMU assistance to keep folks in housing that ultimately going forward after the assistance they can still afford. And if it's not affordable to them, then other options for permanent housing should be explored. But the FMR waiver is not specific to STRMU because that requirement doesn't apply to STRMU. Although I know a lot of local programs implement their STRMU in a way that they're only paying assistance up to the FMR or something similar. I don't know, Crystal [crosstalk 00:46:26].

Crystal Pope: I was going to say occasionally programs do cap their STRMU assistance at FMR. It is not required, that would be a local option. But also we have said in previous webinars, and you may have heard from other TA folks that during the pandemic, we have said you may want to get rid temporarily of any caps that you've put on this STRMU assistance because of the high need and the danger of losing housing during the pandemic.

Emily Fischbein: Thank you, Crystal and Amy. We have a question here about inspections. Just to clarify, will we need to start in person inspections for STRMU and TBRA on October 1st? And will it not be considered as the annual inspection due to... I'm not sure about the last part of this question. But the first part of the question is, will we need to start in-person inspections for STRMU and TBRA October 1st? And would that be considered an annual inspection?

Crystal Pope: No, that's okay. So we try to tease that apart. So yes, on October 1st, you will need to start doing initial inspections.

Amy Palilonis: Rental assistance, not for Short Term Rent, Mortgage, and Utility assistance.

Crystal Pope: Right, only for TBRA. [crosstalk 00:48:04] and other rental assistance. Right. You will need to do that, and those are not considered annual inspections. The annual re-inspections, Kate covered when she talked about the flexibilities and that we're encouraging people to do those in-person or continue to do them in some way. But the inspection requirement does not relate to STRMU unless STRMU is being received for more than, help me Amy, 100 days.

Amy Palilonis: 100 days. And that triggers the lead-based paint.

Crystal Pope: So in the case that you were doing that inspection, and I see what they may be asking, because of the extended STRMU, Amy, I think that those could probably be done either way, either in person or virtually, do you think?

Amy Palilonis: You know what, this might actually be something that we might need to check on and get back to folks just because we actually are not responsible for the implementation of the lead-based paint regulations. Those touch all of HUD's programs not just specifically HOPWA. And so that is a good question. It is not

as easy to an answer as I first thought, so we'll definitely look into that and get some guidance out on that. That is a good question, and I wasn't even thinking about lead-based paint when it first came in.

Emily Fischbein:

Thank you, Amy and Crystal.

Rita Harcrow:

Can I add one thing to that too, around inspections? So I understand the questions about safety and reintroducing in-person inspections but we are starting to get some reports, not necessarily for HOPWA, but other programs, reports and complaints about people being in substandard housing. So as an organization, you might want to start thinking about that and if that's potentially happening as a result of not really laying eyes on the property and being as thorough as you can be in person. So again, nothing's been reported specifically for HOPWA, just putting that out there that as the pandemic has just gone on and on longer than we expected and people are able to utilize these waivers, just to start planning on how are we reinforcing that we're placing people in housing that's safe.

Emily Fischbein:

Thank you, Rita. We have a slightly different question here. In the event that we have a client who is new to HOPWA and is in need of emergency shelter while awaiting housing approval, can the hotel/motel waiver be used to temporarily house that household?

Amy Palilonis:

Yes. And if I'm understanding the question correctly, a waiver wouldn't be needed to temporarily house that person or household. Just typically that's a way that folks use hotel/motel vouchers in the program, is to temporarily house folks while they are waiting on more permanent housing or searching for more permanent housing. So I don't know, Crystal or Rita, if you're interpreting that question a different way.

Crystal Pope:

The waiver really wouldn't enter into it as long as you have funding through any stream for hotel/motel vouchers. They can definitely be used to house people temporarily while they're waiting for other housing.

Emily Fischbein:

Thanks, Amy and Crystal. For TBRA, is there a specific number of inspections that we have to do throughout the year?

Amy Palilonis:

That's a good question. So the regulatory requirement for inspections, for TBRA, is that there is an inspection completed for habitability at initial move-in of the client into the unit. And then after that, as long as they stay in the unit, this is not regulatory, but it is very good and encouraged practice to do an annual inspection of that client's unit for the length of time that they are living in that unit. And then if they move to another unit while receiving TBRA, then you would be required to do the initial inspection of that unit. So essentially it's required, is initial at move-in, annual inspection is just a really good solid practice that we strongly recommend folks implement in order to make sure that housing is safe and sanitary.

Emily Fischbein: Thank you, Amy. We have a question about... Oh, did you want to add anything to that, anybody? We have a question about internet costs. We have an attendee who wonders if internet costs can be paid for the 2021 to 2022 year, thinking that it would be an ongoing eligible expense going forward and wants to clarify whether they can still pay internet costs.

Amy Palilonis: So the internet cost question, if you're talking about actual internet service for the client, that's actually tied to the CARES Act funds, not a specific year. So our guidance is that you can pay for those costs using your CARES Act grants or any portion of your FY '20 that you're designating for COVID 19 response. So it's not tied to a specific year, it's just tied to funding sources. I don't know if any of our other panelists have anything else to add to that.

Rita Harcrow: So it's what you said. It's CARES Act specific at this point. That's the pot of money that can be used for internet. And I know that we've had some AAQs around policies and procedures and best practices for setting that up. So I don't know if you're looking at paying a year in advance if that's what you're talking about. But it's really tied to the CARES Act funds, which are also tied to prevent, prepare for and respond to COVID-19. So you need to be able to have some kind of documentation about why that internet is specifically needed in that context.

Emily Fischbein: Thank you, Rita and Amy. Most of the other questions that we have now are quite specific about STRMU and length of STRMU and different streams of STRMU. Is anybody seeing any questions that they'd like to ask live other than very specific ones?

Amy Palilonis: I have a question, and this would be more throwing it out to the participants because I'm not sure, but I thought it was a good question. It was the one that, for confidentiality, FaceTime and Zoom aren't 100% secure. Is there any programs that are better or suggested for doing the annual virtual inspections and other remote or virtual work? And I wasn't sure if anyone wanted to put what they're using in the chat or if there's any other helpful advice folks have on that end because I wasn't sure of the answer to that specific question. ...So there are a couple of suggestions in the chat: WebEx, WhatsApp, Doxy.me. Thank you all for providing what you use, hopefully that's helpful.

Emily Fischbein: We have another question just... Oh, go ahead.

Crystal Pope: No, Emily, I was just going to say, I don't see it right now but I thought that there was a question that someone wanted to clarify if they had done an initial inspection virtually using this waiver, just confirming that they had to redo that same inspection physically.

Emily Fischbein: Yeah, just for that one.

Crystal Pope: And yes, that's absolutely true. That is part of what was agreed to in the waiver, that you could do these virtual inspections, but they would need to be redone

physically. I don't have the date in front of me, but I think it's by December 31st. So all of those have to be redone, right?

Rita Harcrow: Correct.

Emily Fischbein: Great. Yes, that one just came in, thanks Crystal. And we just had another one that just came in also which is a good question because we have somebody who's relatively new to HOPWA. And they're asking, we have had project sponsors asking for guidance on how to determine or document COVID-19 impact in order to use the CARES Act funds. I know we've addressed that in earlier webinars, but I wondered if you might touch on that for this person who's new and anybody else who might be new.

Amy Palilonis: I know Crystal, we just had a question about this.

Crystal Pope: Right. And if this relates to client records, one of the questions that has come up over time is whether you have to make an actual connection for each individual client to how they were specifically impacted by COVID-19. What we have said, and I will look to Rita and Amy to confirm this, is that, no, you do not need to make that connection, but that we recommend that you make a statement in your records that indicate the services that are being provided are needed because of the challenges and other issues around COVID-19, and that can relate to Supportive Services or housing or anything else that you're addressing.

Amy Palilonis: So documenting why you're using your CARES Act funds for things is important just because those funds are specifically to prevent, prepare for, or respond to COVID 19. But there isn't a requirement that it is as specific as the person has to have had COVID or specifically impacted in some way. It's more just the general economic, health, safety conditions in the community are what has caused the need for this assistance.

Crystal Pope: And I think some people have put together just standard statements about that, that they include in those case records. Rita, I don't know if you had anything else related to that.

Rita Harcrow: I remember covering this in the earlier webinars, so I appreciate that people are new and asking this question. But we anticipate that the impacts of COVID 19 are really broad. And so there could be certainly economic or employment or all kinds of things that you could note depending on what your client situation is. That as long as you notate something about, because of COVID-19 economic impacts, this is a required activity.

Emily Fischbein: Thank you all for that thorough answer. We have another question that just came in, what is the guidance if a unit fails the physical inspection and the landlord refuses to make repairs?

Kate Briddell: Your program should have that written in their policies and procedures. Typically, what happens is the landlord is given an opportunity to make those repairs. And often if they fail to do that within a certain timeframe, that the program will stop paying that unit. And then they have certain amount of time that they have to comply after not being paid. Then there should be termination procedures that you have written into your policies and procedures as well. So you would need to follow your written policies and procedures for that.

Amy Palilonis: And those are the types of things that could and should be included in the HAP contract, the contract between the HOPWA organization and the landlord.

Kate Briddell: Absolutely. We had a similar question come in like that, the questioner said that, I didn't realize that annual inspections were suggested and not regulatory. I'm about to pay October rents and we have some units that failed inspection, should I go ahead and pay those? I think the answer to that is follow your policies and procedures. So if your policies and procedures and your HAP contract say that you will not pay on a unit that failed inspection, don't pay that unit. Because it is considered a best practice, regardless of whether it's regulatory or not. You want to make sure your clients are living in safe and sanitary [crosstalk 01:03:37].

Crystal Pope: The annual inspections?

Kate Briddell: Correct.

Crystal Pope: As Amy said, it is strongly recommended by HPPWA. And as a result, it has become part of the standard guidance for this program. And many, many programs have that in their policies and procedures as a requirement, that all of their project sponsors conduct those. So those are all the different pieces of it.

Amy Palilonis: And that's a great practice. So just because it's not specifically in the regulations, that annual inspections are required, grantees can absolutely require that of their project sponsors as a way to ensure that the units are safe and habitable because that's really the goal, is to make sure that folks have housing stability, but are living in a place that's safe and meets some basic standards.

Emily Fischbein: Great. Thanks all. Another question about virtual versus physical inspections, I think just for a clarification. We have the question, I am new to my TBRA role, and I've been doing inspections virtually and physically. Can I continue doing that as I'm staying safe with COVID protocols?

Crystal Pope: Are you talking about initial inspections or annual?

Emily Fischbein: Well, the question isn't clear. But if they are initial, can this person continue doing inspections virtually and physically as long as they're staying safe with the COVID protocols? So I think they're focusing more on the physical inspections.

Crystal Pope: The waiver related to inspections relates to initial inspections. And those will again be required based on the dates in the latest waivers starting October 1st. So you may put safety protocols in place and so forth, but it is required that those return to physical inspections. That is not true necessarily of the annual re-inspections. And those would-

Amy Palilonis: Any [inaudible 01:06:19].

Crystal Pope: Go ahead.

Amy Palilonis: I just want to say any initial inspections that were completed virtually during the course of the waiver need to be re-inspected physically.

Crystal Pope: Yes, also.

Emily Fischbein: Thank you.

Amy Palilonis: And we know that that's confusing. So if you ask questions today and we thought we addressed them but maybe weren't getting at exactly what you were getting at, please put them through to the AAQ and you'll get a response.

Kate Briddell: So I'm seeing [crosstalk 01:06:55]. Sorry, I'm seeing a number of questions in the chat that are very similar or in the Q&A box, I apologize, that are pretty similar, and get to... and they're about STRMU. So if a client is receiving STRMU in December, can we walk through those scenarios about what their options are?

Amy Palilonis: No. I would actually suggest just because these are so specific, put them through the AAQ.

Kate Briddell: Great suggestion, Amy, thank you.

Amy Palilonis: Just because whatever scenario that we come up with right now is not going to be exactly what you were all getting at. So those are, specifically those scenarios are ones that we would like you to put through the AAQ.

Crystal Pope: But I will throw this out though, is let's remember that your 12-month period, your 12-month eligibility period has nothing at all, in any regular STRMU that you provide or even with the waiver, has no connection to the 24 months that are allowed under CARES Act funding. They are separate buckets.

Amy Palilonis: Correct.

Crystal Pope: And that will either help you or will make you more confused. So circling back around to laying out that exact scenario and absolutely we will help you try to figure that out.

Amy Palilonis: And I guess I haven't seen all the questions. So if there is someone that has received the 12 months of the waiver STRMU, they absolutely can receive CARES Act STRMU. Because as Crystal said, the time periods for those two types of assistance don't have anything to do with each other.

Crystal Pope: And that's a good thing, it makes it easier and more flexible. But I know it does get confusing if somebody got regular STRMU for a while and then they were on CARES Act and then maybe they... Because we've always said, you can switch those things around. But there's quite a bit of flexibility there, just documenting that carefully about what streams of funding were used for what periods of time. As long as that is in your records and you're following that and tracking it you'll be in good shape.

Kate Briddell: And I want to remind folks that we did an entire webinar on STRMU, including the many pronunciations of STRMU. And I believe there's some fact sheets that go along with that. So check out the HUD Exchange and pull those documents up and review those.

Emily Fischbein: Anyone else seeing any other questions? I'm not seeing any new questions coming in.

Amy Palilonis: There's a few questions that came in that just made me want to remind folks that the CARES Act grants are three-year grants...the period of performance for these grants are three years. So it's three years from whenever your grant agreement was signed. Obviously, it's been really important to get the funds out there and serve people and to address the urgent needs that have happened. But you do have a full three years to spend those funds. There's been a few questions in the Q&A about timing of funds.

Emily Fischbein: Thank you, Amy. All right. I'm not seeing anything else that's new. So if you all have anything else you'd like to add, I'll hand it back to you.

Kate Briddell: No, I don't have anything else to add. But I do want to say thank you all for joining us today. And just to say please stay safe and we look forward to working with you in the future. So thank you for coming to today's webinar.

Amy Palilonis: Thank you all.

Rita Harcrow: Thanks. See you all soon.