

Steve Ellis: My name is Steve Ellis, I'm from the Cloudburst Group. I'm joined by two coworkers from Cloudburst, Heather Rhoda, and Emma Jordan, and we're also joined by Amy Palilonis from the Office of HIV Housing to help answer some questions and give some more information on this topic. Amy, do you want to go ahead, and say, "Hi," and then talk about any guidance on the waivers?

Amy Palilonis: Sure, sure, good afternoon, everyone, as Steve said, I'm Amy Palilonis, Deputy Director for the Office of HIV Housing with HUD. I want to thank you all for joining today's Office Hours focused on HOPWA Property Standards. I know, many of you are very interested in this topic especially with the upcoming deadline for completing in-person reinspections under the most recent waiver memorandum.

I do want to state up front that there are no updates on the COVID-19 waivers today and the information that you will hear during this office hours will mainly be focused on the content of the most recent waiver memorandum related to property standards and the requirement that all units that were virtually expected under the waiver the physically reinspected by December 31st.

I will say that we in the Office of HIV/AIDS Housing have been continually monitoring the situation with the COVID-19 pandemic, and economic impacts, and issuing, and extending regulatory waivers as needed, and as legally supportable since the beginning of the pandemic.

If there, if there are any updates regarding available waivers, or the timelines associated with them, that information will be sent out via the HUD dot gov and HUD Exchange mailing lists. So, if you are not signed up for those already, I highly encourage you to get signed up.

Also, before we start, I just want to thank all of you for your continued work to meet the housing needs of low-income people living with HIV, and their families during this challenging, and complex time.

Heather, Steve, and I will do our best to answer all of your questions regarding property standards and the waiver today, so please, do not hesitate to put any questions that you have in that chat box. And I will now turn things back over to Steven and Heather.

Steve Ellis: Thank you, Amy. So today we're going to focus in on a little bit of just the habitability regulations and guidance just to make sure that we're all on the same page and understanding what the HOPWA Program currently says on this topic. Then we'll focus on the actual property standards waiver itself, and what does it mean, and what are the requirements associated with that?

But our goal is to get through the slide deck which will be made available to everyone via e-mail as soon as we're done. But then, we can really get your questions and discussions. So as Amy had mentioned, if you do have any

questions, please feel free to throw it in the chat or Q&A box. Otherwise, this is really a great opportunity for everyone to share what they are seeing and what's going on in their community.

So, we also ask you to use the chat box, not just for questions, but to talk about how your program is actually doing some onsite in-person reinspections, and also let us know any difficulties you are having with reinspections, and those reasons why.

All of this information is vital, not just to some of your colleagues who are part of this Office Hours, listening, and reading the chat as well, but also, that helps drive any follow-up that we can provide. So please, use the chat Q&A box for anything that you might need.

So, let's just start at the baseline, right, so what are the actual HOPWA regulatory inspection requirements? So, what you'll see here is some citations right from HOPWA regulations.

So, HOPWA regulations themselves, defined under which activities, inspections are required, for current HOPWA regulations, an inspection must be completed for all housing activities except for short-term rent, mortgage, and utilities, or STRMU, and as well as permanent housing placement, or PHP.

So therefore, you'll see on your list here, all of the other HOPWA activities that do require some, sort of, housing quality standards inspection: acquisition; rehab; conversion; lease or master leasing; new construction for SROs; project or tenant-based rental assistance, including if that's a shared housing arrangement; and also when you're using HOPWA funds for operating.

So, this means if you're using HOPWA funding for any of the activities that you see here HOPWA habitability inspections are required. But how do you actually meet these HOPWA habitability requirements?

So, while HOPWA regulations do not explicitly reference the specific timing of inspections, generally practice is to do an initial inspection as well as an annual inspection. Using these two methods to do inspections will ensure that the unit meets HOPWA habitability before assistance begins via an initial inspection, but it will also ensure that the unit continues to meet HOPWA habitability requirements during an annual inspection.

So now knowing that what housing activities inspection requirements are applied to as well as where initials and annuals should be applied, let's talk about how did the waiver actually affect some of this regulatory guidance?

So, what you'll see here is just that quick timeline and reminder about how the initial waivers came out. So, on March 31, 2020, HUD waived the physical inspection requirement for tenant-based rental assistance, that was

extended to all other HOPWA activities, if you saw on that earlier slide, on May 22<sup>nd</sup>.

And then most recently that this was extended, the physical reinspect, or the physical inspection requirement was extended for all of these applicable housing types until September 13, 2021, requiring physical reinspections be completed by December 31, 2021.

So, we'll spend the rest of our time today on these slides talking about these deadlines and these dates. So, what this means, this waiver meant, was those initial inspections for households and units funder, funded under these HOPWA activities were waived if a grantee notified HUD of their intent to use this waiver, or to extend this waiver per their directions in each memo.

We put that out there early, so if you are a project sponsor listening, and you do have questions about whether or not this is a waiver that your program had used, right, or what documentation you might need as we talk about that later, reach out to your grantee. Because that was definitely the first step in this process.

The grantee then would have notified the project sponsor of their ability to use this waiver by whatever method the grantee chooses to do. Then the program doing inspections could visually inspect the unit using technology such as video streaming to ensure that the unit meets HQS or habitability before any assistance is provided.

There was a previous webinar on this topic about doing virtual inspections in the HOPWA Program. And so particularly towards the end when we talk about how to find things on the HUD Exchange, that's where you'll find this webinar if you still have questions about virtual inspections.

Finally, the program also had to have written policies about how and when you were going to physically re inspect all of these units by December 31, 2021, at the latest. So, note though, not every HOPWA grantee continued to extend all of the waivers even this property standard waiver. So, if your program did not use this June 20, 2021 extension, initial physical inspections had to be completed earlier, and should have already been completed.

So once again as a project sponsor, if you have any questions about this deadline or earlier deadline, please reach out to your grantee for more specifics. So where are we now, right? So as of today, the option to use this waiver expired as of September 30, 2021.

You should not be doing any initial inspections remotely, they should all be done in-person. Project sponsors should be actively reinspecting all units where the initial inspection was conducted remotely or virtually to once again assure that reinspections are complete by December 31, 2021.

Heather, do you want to talk about next steps?

Heather Rhoda:

Sure, I'd love to. So, what are some next steps, some things that you might want to consider? Be sure to collect all required and recommended documentation. We'll get into some of that in the next couple of slides.

Grant, both grantees, and project sponsors should make sure that their policies, and procedures were updated to include information about using the property standards inspection waiver; and also include language about how both grantees and project sponsors were going to resume normal inspection processes after the waiver expires.

And grantees and project sponsors should make sure that they're completing the reinspection process for all the initial inspections that were conducted remotely using virtual methods by 12/31/2021.

So how do you document use of the property standards waiver? At a minimum, a grantee should have documentation that it notified HUD for the directions on each of the HUD memos that went out. There should have, also be documentation that you notified your project sponsor that they have this waiver available for them for use. And you should have also have updated your HOPWA policies and procedures, specifically related to doing inspections.

A project sponsor should have information that the grantee approved them to use the flexibilities in the waiver, they updated their HOPWA policies, and procedures regarding inspections. In addition, there should be documentation in the household file, right, for those where the waiver was applied.

There also should be information on the inspection form itself that you're using that the initial inspection was conducted using virtual methods. And upon reinspection, you should include a new inspection form indicating that a physical on-site inspection was done.

The next slide, so here's some; we wanted to make sure you knew some information about the HOPWA Property Standards Waiver. So did you know, a grantee can choose to use either HOPWA Habitability or Section 8 Housing Quality Standards. But in this situation, you're going to need to pick one, and then use that type of inspection method consistently.

Also know that conducting a lead-based paint visual assessment was not waived, but lead-based paint visual assess, assessments need to continue, and those could be done as part of doing your normal remote virtual inspection process.

The next slide. Did you also know that annual inspections were not included in the waiver? Instead, HUD, OHH, allowed for annual inspections to be postponed, or you could also conduct them remotely, virtually.

At this point HOPWA Programs are encouraged to start doing in-person

annual inspections when those can be done safely, of course, If doing a physical annual inspection isn't possible, programs could start to continue, they could start to, or continue doing virtual inspections for those annual inspections.

In some cases where you either postponed your annual, and you didn't do it remotely, it, there could be a period of time where you haven't set eyes on the condition of the unit or the building in a while. So just be mindful that when you do finally do an inspection, either in person or virtually, that there may be some issues you identify as a result of that inspection.

Another important point, too, to make sure that when you're doing inspection, everybody's safe and you're feeling comfortable, you can use HOPWA funding to purchase Personal Protective Equipment that is an eligible HOPWA cost. So, some final reminders, make sure you're collecting all required and recommended documentation.

Make sure policies and procedures were updated to include use of the waiver, and also information about resuming normal inspection activities post-waiver. And make sure that all remote inspections for initial inspections that were conducted remotely are complete by December 31, 2021.

I wanted to mention, too, Steve, that I forgot to talk about, back at the documentation slide, that while it wasn't a requirement, it is recommended, right, that project sponsors, kind of, have some internal tracking mechanism, either a list or something that they could remember which units, right, where you conducted initial inspection remotely.

So that way you could come up with an efficient and smooth process for doing your reinspections. So, keep that handy so you know which units you need to go back to instead of looking for all, looking for that information in individual client files. There is an – go ahead.

Steve Ellis:

I was just going to say, and so before we get to any questions, we just wanted to go ahead, and do some exit slides. So that way, we have plenty of time for Q&A. So here you will see a little clip from the HUD Exchange. So particularly, we always receive a lot of questions about where people can find some of the materials we've gone over. Where do people find the slides or recordings from these webinars?

And so, you'll want to go to the HUD Exchange HOPWA guidance for COVID-19. And that's where you'll find all things that have been put out to help you really understand all of the waivers, and particularly property standards, and follow-up.

We also wanted to make a quick reference in case you weren't aware that one of our HOPWA TA providers, TAC, did an excellent tool that help explain the HOPWA-CV Duplication of Benefits. It's a quick guide, it was published October 18th. So, if that's a topic of interest to your particular program, if you

have questions about it, definitely look up that resource on the HUD Exchange.

And then for any questions that we don't aren't able to answer today, for questions that you think about later, there are always ways to get this information that you need. Right, so if you're not already a community engaged in HOPWA TA, you can always use the HOPWA Ask-A-Question portal.

Or if you are a community not currently getting technical assistance, and you think you need some help to think through the waivers, to implement the waivers, to wrap up the waivers, to think about documentation, you can always request some technical assistance by, find, HOPWA technical assistance providers, once again, via the HUD Exchange.

Heather Rhoda: So, there's one question that I can see. Are property standards the same as HQS standards? So, I'm assuming this is relative to, related to our, is HOPWA Habitability, right, the property standards that we're referring to the same as HQS?

Steve Ellis: Yeah.

Heather Rhoda: And, Steve, I know you can take this one.

Steve Ellis: So, and in general, they're still very similar, right?

Heather Rhoda: Yeah.

Steve Ellis: They still –

Heather Rhoda: Yeah.

Steve Ellis: – They address the idea that get to whether a unit is safe and livable. The difference is that while property standards tend to be more general, they're just, sort of, general categories that that gets you to think about specific room. HQS have more strict measurements, right?

So, property standards would say, "Here's a room and it, it should have these things." HQS then say, "Here's how you measure that to make sure it actually has those things." So, in general, they get to that same end result, HQS just gets there more specifically.

Heather Rhoda: Absolutely, and the HOPWA Habitability inspection checklist is a page, whereas if you're using Section 8 Housing Quality Standards, there are multiple pages.

Steve Ellis: So, there's a question also about what if a community can't do all of their physical reinspections by December 31st?

Amy Palilonis: That's good question, I can, I can take that one. So, if you know you won't have your physical reinspection done by the end of the month, you should reach out to your Field Office representative to discuss requesting a waiver of this regulatory requirement.

So, under this, see, the CPD COVID-19 waiver memorandum that we've issued over the last two years, basically, HUD waived certain regulatory requirements across the board for really, any grantees that notified HUD that they were utilizing the waivers. But outside of that process, grantees can request, and get HUD approval for regulatory waiver, waivers specific to their HOPWA Programs if there is good cause and based on individualized circumstances.

So that individual waiver request process starts with the Field Office. And so, I definitely suggest reaching out to your Field Office representative, if you're, if you know you're not able to complete the physical reinspections by the deadline or if you're having similar issues with any of the other COVID-19 related waivers that were outlined in the memorandum.

Steve Ellis: Well, good to know; any of your programs are worried about, there you go. There is another question about what should a program do if they do a physical reinspection and the unit isn't passing habitability or HQS any further? Heather, is this something you want to answer?

Heather Rhoda: I think, well, there, we do have some general guidance that we often provide from the HOPWA Ask-A-Question desk. But I think, because this question could be a little nuanced depending on why it didn't pass, right, if it's related to a life-threatening issue versus a non-life-threatening issue, we'll probably follow up on the back end.

We're also creating a tool to accompany this presentation that, kind of, walks through what we're calling some common questions; and then answers related to conducting inspections, one of which we'll address that in a bit more detail.

But generally, yes, programs should have policies, the grantee and the project sponsor, about how to address issues that come up when a unit does not pass inspection.

Steve Ellis: Thank you.

Heather Rhoda: And in most cases, it does not mean that you can't, you, you're immediately stopping rental assistance payments to the unit. So, it's a little bit more, a little bit more complicated but that's a great question.

Steve Ellis: It's one of those as always, we need more information.

Heather Rhoda: Right.

Steve Ellis: There is a question about, if there's any requirements in the HOPWA

Program if they choose to use HQS?

Heather Rhoda: Say that again, I'm sorry.

Steve Ellis: Does HOPWA have any requirements, if they, training requirements, if a program chooses to use HQS?

Heather Rhoda: HOPWA doesn't have any specific regulatory requirements if you're choosing to use HQS, but generally, well, we, well, we will say across the board, you don't need to be certified to do HOPWA Habitability. In fact, there's no certification to get, right, to do HOPWA Habitability. There is a certification to get for Housing Quality Standards but it's not a requirement, even under the Housing Quality Standards regulations themselves.

But it is critical, and a very good idea that once you start doing inspections, even HOPWA Habitability, or HQS, that you are learning how to do them from someone who's conducted in inspection; and who knows how to use the HOPWA habitability form if you're using that type of inspection. Or who knows how to use the HQS, HQS forms; there are two of them.

And it's not just knowing how to use it, but how to interpret what each form is really asking, and what it is you're looking for when you're doing the inspection.

Steve Ellis: Absolutely and so not, not only then if someone's new to doing either type of inspection, if they start to get some operational experience from those on the ground.

Heather Rhoda: Absolutely

Steve Ellis: But then it also ensures programmatic consistency.

Heather Rhoda: Right.

Steve Ellis: So, you don't have one person who did it one way, another person does it another way, and a third person –

Heather Rhoda: Right.

Steve Ellis: – Does it a third way so.

Heather Rhoda: Right.

Steve Ellis: Right, so no requirement to do any sort of special training or certification. But definitely, reach out to those who are doing it, and those who are experienced with it, particularly within your community, because each area of the country might have little, different tweaks, right, things that might be normal for some units, not normal for other units to make sure you are hitting that regulatory requirement of making sure all units are safe and livable.



Heather Rhoda: There was a question too, about, so these inspections are for new enrollees into HOPWA, correct, not for annual. So yes, the waiver was specifically for conducting initial inspections, meaning that you didn't have to be on-site, in-person physically doing an inspection in a unit.

Whether somebody was leasing up in place, right, they're already living in the unit, and they're going to start using HOPWA systems in that unit, or they have found a brand-new unit. This only applied to conducting initial inspections, not for annuals.

Steve Ellis: However, just keep in mind that you need to make sure the unit is meeting habitability, right, for all the time that assistance is being provided.

Heather Rhoda: Right, we did recommend, too, early on in this waiver that, although annuals were not included in the waiver itself, and that they could be postponed, or you could do them virtually, if you're postponing them, just to make sure as part of, like, the annual recertification process.

Right, when you're looking at as the income of assisted household, that you're asking questions of the household about the condition of their unit. Right, just to make sure that they still have hot water, right, the toilets working properly. The stove works, the oven works, the fridge is keeping food cold. So, it is definitely recommended and a best practice to make sure that you're asking at least about that information if you're postponing, if you were, or are postponing annual inspections.

And as a reminder, Steve already mentioned it, but if you want to see some really fun interactive videos about, for a couple of TA providers, like, doing inspections, there are some videos available on the HUD Exchange where we actually walked through, and did an inspection.

And while that was really about how to do them, giving you ideas about how to do them virtually, it does give you a good feel, generally, avoid it, as you should be looking for when you're doing an inspection.

Steve Ellis: Amy, maybe this is a good question for you so OHH can clarify. There is a comment about inspections for PHP assistance. Can you clarify when inspections are required under the HOPWA Program and when they're not?

Amy Palilonis: Sure. So, the habitability, the HOPWA Habitability requirement or property standards are required for all forms of HOPWA assistance besides short-term rent, mortgage, and utility assistance, or permanent housing placement. So, I know, this question was specifically about PHP.

If you were just, if you were only providing a client with PHP with no tenant-based rental assistance connected to that, then there is not the expectation or the requirement that that the habitability inspections take place. If it is PHP in combination with tenant-based rental assistance, then obviously, habitability

is, the habitability standards must be met in order for the TBRA assistance to be provided.

Steve Ellis: Thank you. Also note, there is some really great, interesting questions being asked. I think there are some questions that are, it would require some additional follow-up.

So, we apologize now, we don't ask every question out loud. But we promised follow-up on every question being asked. So just apologies now if we don't get to your question during today's Office Hours.

Heather Rhoda: And somebody asked where they can find the inspection videos? And as part of the tool that's going to accompany this Office Hours, we'll make sure to include links for those, for the previous webinar that we did, and the videos themselves.

Steve Ellis: We're trying to get it on Netflix because it's fairly entertaining.

Heather Rhoda: Yeah.

Steve Ellis: So far, we haven't broken through. I think they're afraid of our quality content.

Heather Rhoda: Yeah.

Steve Ellis: So.

Heather Rhoda: I think I might have seen it on Redbox.

Steve Ellis: Yeah.

Heather Rhoda: But I'm not sure. Does, is Redbox still a thing?

Steve Ellis: I believe so.

Heather Rhoda: So, does anybody – I know we asked in the, in the beginning to, like, share experiences? How the inspections are going if they've been – are they a challenge? Are they not a challenge?

Not to pressure anybody but if that information would be helpful, as Steve said, bring future guidance, or information just so we know what's happening right now, on the ground. Everybody's doing their reinspections.

Steve Ellis: So they're, and so please feel free to continue to throw in any comments about what you're doing locally, any issues or problems, right. Or you can also send those post-webinar to us so that we can make sure to include any success stories and any tools that come out.

But we have a few more questions popping up. So, one of the questions just

wants to clarify that the property standards guidance that we're giving applies to either habitability or HQS, or both? And so your....

Heather Rhoda: It applies to whatever inspect, inspection method you're using. Right, so if you're using HOPWA Habitability, then the waiver would apply to HOPWA Habitability. If you're using HQS, then it applies to HQS. It's the initial inspections, not so much the type of inspection that it applies to, so yes.

Amy Palilonis: And as Heather mentioned earlier, whichever you're using, HOPWA Habitability or HQS, you need to be using that consistently –

Heather Rhoda: Yes.

Amy Palilonis: – For program –

Heather Rhoda: Yeah.

Amy Palilonis: – Not on a, not have a different standard, or approach on a unit-by-unit basis. It needs to be used consistently.

Heather Rhoda: Absolutely. So, if you're picking HQS, that's your inspection method. And if you're using habitability, that's your inspection method. It's not and/or.

Steve Ellis: And then once you have that established, and you can apply this guidance, right, so it's property standards –

Heather Rhoda: Right.

Steve Ellis: – Waivers, guidance based upon that decision that you've already made. So, it's applicable to either.

Heather Rhoda: And that's a really good point, too so when you're, when you had updated your policies and procedures, it's not just about using the waiver, but it's also making sure you're describing, and you're including what type of inspection that you're doing. So, are you doing HOPWA Habitability or are you doing HQS?

Somebody mentioned that it hasn't been too challenging to do the physical inspections because they've informed clients that they would eventually be coming back out to do the physical inspections.

Steve Ellis: That's once again, I think there's some more specific questions, and we can definitely follow up with those post-webinar.

Heather Rhoda: Absolutely.

Steve Ellis: So other than that, right, I just wanted to thank everyone, again, for your time, and all of your hard work that you do for the HOPWA Program. And those accessing HOPWA assistance, a special, our hearts and minds are with

those in the Midwest, particularly in Western Kentucky, and all that has been going on.

Heather Rhoda: Yeah.

Steve Ellis: So, thank you for any of you in that area who were able to join today's as you have plenty going on. So, the fact that you could carve out 45 minutes of your time today to spend with some TA providers really is –

Heather Rhoda: Yeah.

Steve Ellis: – Is meaningful to us. Other than that, everyone who enrolled or signed up for the webinar, we'll make sure you get this slide deck, and any of the follow-up links. Otherwise, please make sure to look at the HUD Exchange for future recordings, all things HOPWA, all things HOPWA COVID, and the brand-new tool that's out there about Duplication of Benefits.

Amy, anything else to add before we call it a day?

Amy Palilonis: I just want to thank you all again for participating. And again, any news or updates around COVID-19 waivers or just the HOPWA Program in general will be sent out via the HOPWA HUD dot gov, and the HOPWA HUD Exchange mailing lists.

Heather Rhoda: Yeah.

Amy Palilonis: So please make sure you are signed up for those if you weren't already. Other than that, I hope everybody has a great afternoon.

Heather Rhoda: Thank you, everybody.

Steve Ellis: Be well, everyone.

Heather Rhoda: Happy holidays, bye.