



SUMMARY CHECKLIST

# EHV WAIVERS AND ALTERNATIVE REQUIREMENTS

Item	Statutory or Regulatory Waiver	Brief Summary	Mandatory Use?	Alternative Requirements	Waiver Adopted?
<b>COVID-19 Waivers</b>	<a href="#">Notice PIH 2021-14</a> or its successor notices	HUD recognizes that the challenges the COVID-19 pandemic has created for the regular HCV program will likewise apply to the administration of the EHV.	No	HUD is exercising its waiver authority under the ARP to provide some of the same menu of <a href="#">HCV-applicable CARES Act waivers</a> to PHAs for administration of the EHV assistance. The use of these COVID-19-related EHV waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to the EHV assistance.	
<b>Establishing Partnerships for EHV Administration</b>	N/A	PHAs are required to work with community partners to determine the best use and targeting for the EHV along with other resources available in the community.	Yes	A PHA must enter into a Memorandum of Understanding (MOU) with the CoC and/or VSPs to establish partnership for the administration of the EHV.	
<b>Direct Referrals from the CoC and Other Partnering Organizations</b>	§ 982.204(a)	<p>Waives requirement under the HCV program that participants must be selected from the PHA waiting list. Instead, PHAs must accept referrals for EHV directly from the CE System.</p> <p>If the CE system does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking, the PHA must enter into a partnership to receive direct referrals from another entity (e.g. Victim Services provider or anti-trafficking service provider).</p>	Yes	<p>PHAs must inform families on the HCV waiting list of the availability of EHV by, at a minimum, either by posting the information to their website or providing public notice in their respective communities.</p> <p>If the PHA has a preference for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for this preference to the CoC or the applicable partnering referral agency.</p> <p>If the PHA has a homeless preference for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for the homeless preference to the CoC.</p>	

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<b>Provision of Housing Search Assistance</b>	N/A	Housing search assistance can help EHV participants successfully move to areas of higher opportunity, as well as broaden the pool of landlords participating in the EHV program, including culturally or racially diverse landlords and landlords with smaller numbers of units.	Yes	PHAs must ensure housing search assistance is made available to EHV families during their initial housing search. The PHA may use any of the EHV administrative fees (including the services fees) to pay for housing search assistance.  The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.	
<b>Separate Waiting List</b>	§ 982.204(f)	Waives requirement that a PHA must use a single waiting list for admission to its HCV program. Instead, PHAs shall maintain a separate list for EHV referrals/applicants.	Yes	PHA shall maintain a separate waiting list for EHV. Applies to initial leasing and for any turnover vouchers issued prior to <b>September 30, 2023</b> .	
<b>Public Notice when Opening and Closing the Waiting List</b>	§ 982.206	Waives the requirement for PHAs to give public notice when opening and closing the waiting list. The EHV waiting list is based on direct referrals or requests through the PHA's VAWA emergency transfer plan and not applications from the general public.	Yes	PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.	
<b>Local Preferences</b>	§ 982.207(a)	Waives the applicability of HCV local preferences established by the PHA to EHV. Instead, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV, or may simply choose to not establish any local preferences for the EHV waiting list.	Yes	Local preferences established by the PHA for the HCV admissions do not apply to EHV. In establishing any local preferences for the EHV waiting list, the preference may not prohibit EHV admissions from any of the four qualifying categories of eligibility.	
<b>Residency Preferences</b>	§ 982.207(b)	Waives the allowability for a PHA to adopt and implement a residency preference for EHV. Given the emergency nature of these vouchers, the fact that many individuals and families in the targeted populations may not necessarily qualify as a "resident" due to their housing circumstances, and the direct referral/coordinated entry aspect of EHV administration, it is not appropriate to apply residency preferences for EHV admission.	Yes	PHA may not apply any residency preference.	

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<b>Admissions: Mandatory Prohibitions</b>	§ 982.552 and § 982.553	Waives § 982.552 and § 982.553 in part and establishes an alternative requirement with respect to mandatory prohibitions of admissions for EHV applicants.	Yes	<p>(1) The PHA must prohibit admission to the program if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.</p> <p>(2) The PHA must prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.</p>	
<b>Admissions: Permissive Prohibitions</b>	§ 982.552 and § 982.553	Waives § 982.552 and § 982.553 in part and establishes an alternative requirement with respect to permissive prohibitions of admissions for EHV applicants.	No	<p>PHA must consult with its CoC partner to understand the impact that the use of permissive prohibitions may have on referrals and must take the CoC's recommendations into consideration. The PHA may prohibit admission of a family for the grounds stated below.</p> <p>(1) If the PHA determines that any household member is currently engaged in, or has engaged in <b>within the previous 12 months</b>:</p> <ul style="list-style-type: none"> <li>a. Violent criminal activity.</li> <li>b. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.</li> </ul> <p>(2) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program <b>within the previous 12 months</b>.</p> <p>(3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel <b>within the previous 12 months</b>.</p>	

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<b>Admissions: Unallowable Prohibitions</b>	§ 982.552 and § 982.553	Waives § 982.552 and § 982.553 in part and establishes an alternative requirement making certain admission prohibitions unallowable in EHV that are allowable in HCV.	Yes	<p><b><u>Unlike the HCV admissions PHAs may not deny admission for any of the following:</u></b></p> <ol style="list-style-type: none"> <li>(1) Any member of the family has been evicted from federally assisted housing in the last five years.</li> <li>(2) A PHA has ever terminated assistance under the program for any member of the family.</li> <li>(3) The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.</li> <li>(4) The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.</li> <li>(5) The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.</li> <li>(6) The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).</li> <li>(7) The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.</li> </ol>	
<b>Income Verifications at Admission</b>	§ 982.201(e)	Waives the third-party income verification requirements for EHV applicants and, alternatively allowing PHAs to consider self-certification as the highest form of income verification at admission.	No	Allows PHA to accept self-certification as the highest form of income verification at admission. Applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated <b>within 60 days</b> of the PHA's request.	

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<b>SSN and Citizenship Verification</b>	24 CFR § 5.216(b)(2), (g), (h), 5.218, 5.508(b)(2)(ii), (b)(3)(ii), (g)	Waives the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program.	No	Documentation must be provided in <b>180 days</b> of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.  PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. PHA must obtain a higher level of verification <b>within 90 days</b> of admission or verify the information in EIV.	
<b>Income Targeting Requirements</b>	Section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2)	Waives Income targeting requirements. These do not apply to EHV allowing PHAs to serve people at a variety of income levels including low-income families.  PHAs may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.	Yes	N/A	
<b>Income Calculation and Verifications from Third-Party Providers</b>	24 CFR § 982.201(e)	PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was (1) calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and (2) the family certifies there has been no change in income or family composition in the interim.	No	For each new admission under this waiver and alternative requirement, the PHA must: review the EIV Income and IVT Reports to confirm/validate family-reported income <b>within 90 days</b> of the IMS/PIC (or PIC-NG when the system becomes available) submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.  At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR § 982.516.	
<b>Pre-inspection of HQS Units</b>		PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.	No	NA	

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<b>Initial Search Term</b>	§ 982.203(a)	Waives requirement that the initial search term must be at least 60 days and establishes an alternative requirement that the initial term for an EHV must be at least 120 days.	Yes	Initial term for an EHV <b>must be at least 120 days</b> . Any extensions, suspensions, and progress reports will remain under the policies in the PHA's administrative plan but will apply after the minimum 120-day initial search term.	
<b>Initial Lease Term</b>	Section 8(o)(7)(A) of the United States Housing Act of 1937 and § 982.309(a)(2)(ii)	Waives the requirement that a family must enter into an initial lease with the owner for at least one year.	Yes	Families can enter into leases for a term <b>shorter than one year</b> .	
<b>Portability</b>	Section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c)	The normal HCV portability procedures and requirements apply to EHV's with some exceptions (see alternative requirements section to the right).	Yes	<p>In order to provide maximum housing choice for the targeted populations, HUD is removing this restriction for EHV nonresident applicants to allow all EHV families to immediately move under portability.</p> <p>The PHA may not restrict an EHV family from exercising portability because they are a nonresident applicant. A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV's under its own ACC. In addition to the applicable family briefing requirements at § 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.</p> <p>If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family. The primary purpose of this communication is to ensure there is no duplication of EHV services and assistance provided to the family and that the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.</p>	

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<p><b>Establishing Separate Higher Payment Standards for EHV</b></p>	<p>§ 982.503(a)(3), § 982.503(b)(1)(i), § 982.503(b)(1)(iii)</p>	<p>Waiving § 982.503(a)(3) and establishing an alternative requirement permitting PHAs to establish separate higher payment standards for the EHV. Many rental markets with a high need for the EHV are very competitive with a shortage of affordable rental units. EHV recipients who are homeless or at risk of homelessness may have relatively lower incomes than regular HCV recipients, limiting their ability to rent units with rents above the payment standard. In addition, landlords may be more reluctant to rent to homeless individuals who may have limited or poor credit history, a limited established rental history, or other issues.</p>	<p>No</p>	<p>Establishing a separate EHV payment standard is at the discretion of the PHA and the PHA is not required to do so. PHAs are not permitted to establish a separate payment standard for the EHV that is lower than the regular HCV payment standard. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard.</p> <p>PHAs can establish a payment standard amount for a unit size at any level between 90%–120% of the <a href="#">published FMR for that unit size</a>. HUD approval is not required to establish an EHV payment standard within that range.</p> <p>A PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under 24 CFR 888.113(c)(3) may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the <a href="#">HUD-published Small Area FMRs</a>. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. As is the case for the regular HCV program, the PHA must notify HUD if it establishes an EHV exception payment standard based on the Small Area FMR. The exception payment standard must apply to the entire ZIP code area.</p> <p>PHAs may also still request approval for exception EHV payment standards above 120% of the applicable FMR/SAFMR from HUD in accordance with § 982.503(b)(1)(iv) or § 982.503(c) if needed.</p> <p>All rent reasonableness requirements at § 982.507 continue to apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.</p>	

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<b>Application of Increased Payment Standard</b>	§ 982.505(c)(4)	Waiving requirement that if the payment standard amount is increased during the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.	No	PHAs have the discretion to establish a policy in the PHA administrative plan on when to apply the increased payment standard (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.	

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