

**HOUSING CHOICE VOUCHER
(SECTION 8) PROGRAM**

**POLICIES DURING THE COVID-19
PUBLIC HEALTH EMERGENCY**



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In response to the COVID-19 public health emergency, the Jersey City Housing Authority (JCHA) has taken numerous actions to reduce the risk of the spread of the virus while maintaining essential services for and preventing evictions of the low-income households JCHA serves. This document describes and defines how JCHA will operate during this COVID-19 state of emergency with regard to several Housing Choice Voucher Program (HCVP/Section 8) policies; it represents an addition to the HCVP Administrative Plan and will remain in effect until such time as all states of emergency designations are lifted and HUD waivers are rescinded or expire.

To assist federal rental assistance participants experiencing financial hardship related to COVID-19 and reduce community spread of the virus, JCHA has implemented the below COVID-19 public health emergency policies.

Termination of Eviction Moratoriums for Nonpayment of Rent

The federal moratorium on evictions ended on July 31, 2021. Under Executive Order 249, the State of NJ terminated the ban for residential evictions on August 31, 2021, for those households earning over 80% Area Median Income (AMI) and will terminate the eviction ban on December 31, 2021, for those earning below 80% AMI. The JCHA is encouraging and assisting residents who owe back rent to apply for rental assistance and to enter into repayment agreements for rental arrears. PHAs cannot forgive debt pursuant to HUD policy. After the New Jersey moratoria ends in December 2021, JCHA plans to resume filing cases against HCVP participants who are behind on repayment agreements.

JCHA and HCVP landlords may continue to monitor other kinds of lease violations including violent or criminal behavior that pose a threat to the health or safety of other residents.

Administrative Plan Revisions:

Regulatory Authority: 24 CFR § 982.54 (a)

The regulation requires that any revisions of the PHA's administrative plan must be formally adopted by the PHA Board of Commissioners, or other authorized PHA officials, at a public meeting. Due to the COVID-19 emergency, HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval through September 30, 2021. Any informally adopted revisions under this waiver authority will be formally adopted no later than December 31, 2021.

Recertifications (Initial, Annual, and Interim):

- Recertification, initial, briefing, and interim **appointments will no longer be held in person**. All appointments will be held by phone or via teleconferencing whenever possible. Documents can be submitted through mail, email or drop off to the mail slot at JCHA's

main office. To address these challenges, HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV per PIH Notice 2020-05. The period of availability ends on December 31, 2021.

- **Streamlined Recertifications – Fixed Income Sources:** The Department of Housing and Urban Development (HUD) allows public housing authorities (PHAs) to implement streamlined requirements for verifying and adjusting fixed income sources over a three-year cycle for families whose unadjusted income is 90 percent or more from fixed income sources. JCHA will implement this process during the COVID-19 public health emergency. JCHA will fully recertify, verify and recalculate income in the following manner:
 - In the initial year of a three-year cycle, JCHA will complete an annual income determination consistent with all applicable HUD regulations and guidance.
 - In the second and third years of the three-year cycle, JCHA will obtain from the family a certification that their fixed income sources have not changed, and that the family's income is still at least 90 percent from fixed income sources. If the family provides that certification in years two and three, JCHA will adjust the family's fixed income sources by the Cost of Living Adjustment (COLA) that is applicable to that fixed income source instead of fully re-verifying and recalculating the income source.
 - During the public health crisis, in order to protect our most vulnerable populations, in addition to the streamlined calculation process described above, seniors and persons with disabilities will not be required to sign the recertification packet.
- **Full-time student status** will be maintained during prolonged school closures.
- **Effective date of revised rent portion:** For households who certify lost income, the revised household rent portion will be made effective for the month when the decrease of income is reported to JCHA.
- **Duration of revised rent portion:** The revised household rent portion will be in effect for the duration of the state of emergency. Families will be required to report on household income in the event they are no longer impacted by COVID-19 (e.g., work sites and/or schools reopen, new employment, etc.). For all others, JCHA will require certification of income within 30 days of the end of the state of emergency.
- **Unemployment benefit determinations** will not be required if the Unemployment Agency is unable to process the unemployment claim in a timely manner. The JCHA will accept self-certifications instead until the proper documentation can be obtained.

- **Applicability:** For these COVID-19 policies to apply, the cause of a household's loss of the income must be directly related to the COVID-19 pandemic (e.g., work site or school closure, COVID-19 related layoff, etc.). A voluntary loss of income, such as terminating employment without good cause, is not considered an eligible "decrease of income" for purposes of this policy. See JCHA HCVP Administrative Plan, Chapter 13, for information regarding reporting interim income changes.

Waiting List - Opening and Closing- Public Notice:

Regulatory Authority: 24 CFR § 982.206(a)(2)

Sub-regulatory Guidance: Notice PIH 2012-34

The HCV program regulations require that when a PHA opens its waiting list, the PHA must give public notice by publication in a local newspaper of general circulation and by minority media and other suitable means. HUD is waiving this requirement and is providing an alternative requirement that the PHA may provide public notice in a voicemail message on its main or general information telephone number and through its website.

During the COVID-19 public health emergency, the JCHA will provide public notice in a voicemail message on its main information telephone number, on its website www.jerseycityha.org, and on its social media platforms like Instagram and Facebook. The JCHA will comply with applicable fair housing and other civil rights requirements when providing public notice under this alternative requirement, including ensuring effective communication with persons with hearing, visual, and other communication-related disabilities. The period of availability ends on December 31, 2021.

Information When Family is Selected: PHA Oral Briefing:

The regulation requires when the PHA selects a family to participate in either the HCV or PBV program, the PHA must give the family an oral briefing. Additionally, Section 504 and the ADA require PHAs to ensure effective communication with applicants, participants, and members of the public in all communications and notices.

JCHA is waiving the oral briefing requirement and as an alternative requirement will conduct the briefing by other means such as a webcast, video call, or expanded information packet. JCHA will ensure that the method of communication for the briefing effectively communicates with, and allows for equal participation of, each family member, including those with vision, hearing, and other communication-related disabilities, and ensures meaningful access for persons with limited English proficiency. The period of availability ends on December 31, 2021.

Portability:

Incoming and outgoing portability requests will be handled through electronic communications, teleconferences, and phone communications to the extent practicable.

Term of Voucher – Extensions of Term:

Regulatory Authority: 24 CFR § 982.303(b)(1)

The regulation provides that at its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan. HUD is waiving the requirement that the extension(s) must be accordance with the PHA’s administrative plan in order to allow the PHA to provide extensions even though it has been unable to formally amend its policy in the administrative plan.

During the COVID-19 public health emergency, the JCHA will extend vouchers beyond the 120-day term in order to protect families from losing assistance during this time. The period of availability ends on December 31, 2021.

Absence from Unit:

Regulatory Authority: 24 CFR § 982.312

The regulation requires that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HUD is waiving this regulatory requirement to allow the PHA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members).

The JCHA will continue to make HAP payments despite the family’s absence of more than 180 consecutive days. Pursuant to PIH Notice the PHA may not make payments beyond December 31, 2021, and the HAP contract will terminate on that date if the family is still absent from the unit.

Housing Quality Standards (HQS):

- **Initial Physical Inspection of Units:** HUD requires PHAs to physically inspect any unit supported with rental assistance funds to assure that the unit meets housing quality standards (HQS) before any assistance will be provided on behalf of a program participant (24 CFR 982.305 (a) and 24 CFR 982.305(b), and 24 CFR 982.405). JCHA is waiving the physical initial inspection requirement to help reduce the spread of COVID-19. During this public health emergency, JCHA will accept self-certification from the owner, pictures, and/or visual technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided. JCHA will re-inspect the unit within 3 months after public health officials determine special measures to reduce the spread of COVID-19 are no longer necessary and the state of emergency is lifted. As specify in PIH Notice 2020-05. This process will cover units under the HCV Program, Project Based Units PBV as well as PHA-owned units.

JCHA retains the right to conduct an HQS inspection on any assisted unit at any time. Likewise, JCHA may always choose to conduct an initial inspection on a unit a family

wishes to lease if such an inspection is determined to be warranted by the JCHA. Regardless of whether the JCHA chooses to apply the initial HQS inspection waivers to its HCV program. Crucially, use of any of these waivers by the JCHA does not relieve owners of their responsibility to maintain the unit in accordance with HQS as required in the HAP contract, nor does it in any way restrict the JCHA from taking action to enforce the owner's obligations. Furthermore, use of any of these waivers by the JCHA does not create any right in any third party (such as with the assisted family) to require enforcement of the HQS requirements by HUD or the JCHA, or to assert any claim against HUD or the JCHA, for damages, injunction, or other relief, for alleged failure to enforce the HQS (see § 982.407).

JCHA will continue to conduct virtual inspections and accept owner's self-certifications for initial inspections until December 31, 2021. For any unit for which the JCHA conducted virtual inspections and accepted an owner's self-certification, the JCHA will conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

- **Biennial Inspections:** JCHA will apply existing inspection flexibilities to conduct biennial inspections (see JCHA HCVP Administrative Plan, Chapter 11) and allow the use of alternative inspection methods and inspection timeframes as specified under PIH Notice 2016-05. Waiving the annual re-inspection requirement (24 CFR 982.407) during this public health crisis will help to reduce the spread of COVID-19. JCHA will resume biennial inspections by December 31, 2021 and will conduct delayed biennial inspection no later than June 30, 2022.
- **HQS Interim Inspections:** The statute requires that upon notification to the PHA by a family or government official that the assisted unit does not comply with the HQS, the PHA must inspect the unit within 24 hours of when the PHA received the notification if the condition is life-threatening. 24 CFR 982.405(g) provides that if the reported condition is not life threatening, the PHA must inspect the unit within 15 days. The regulation further provides that in the event of extraordinary circumstances HUD may waive the 24-hour or the 15-day inspection requirement until such time as an inspection is feasible.

JCHA is waiving these requirements and establishing an alternative requirement for both tenant-based and PBV units. If the reported deficiency is life-threatening, the JCHA will notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the JCHA notification or provide documentation (e.g., text or email a photo to the JCHA) that the reported deficiency does not exist. In the case of a reported non-life-threatening deficiency, JCHA will notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the JCHA notification or any approved JCHA extension. JCHA may add other requirements or conditions in addition to the owner's documentation but is not required to do so.

As is the case under the current HCV program requirements, JCHA is not required to conduct an on-site inspection to verify the repairs have been made but may rely on

alternative verification methods (e.g., photos submitted by the owner, tenant certification, etc.).

This waiver may also be applied to JCHA-owned units if the independent entity is unable to perform the inspection.

The period of availability ends on December 31, 2021. After December 31, 2021, JCHA will conduct the HQS inspection in accordance with the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.

- **HQS Quality Control Inspections:** Under HUD’s regulation 24 CFR 982.405(b) PHAs are required to conduct supervisory quality control inspections of a sampling of units under contract. HUD has waived this regulatory requirement. Therefore, JCHA won’t be conducting HQS inspections for the period of applicability which ends December 31, 2021.
- **PBV HAP Contract: HQS Inspections to Add or Substitute Units:** At the discretion of the PHA and subject to all PBV requirements (including the program cap and income-mixing requirements), the PHA may amend the HAP contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit. The PBV requirements include inspecting the proposed substitute or additional unit to determine that the unit meets HQS before it may be added to the HAP contract.

JCHA is waiving the HQS inspection requirement. In order to substitute or add a new unit to the PBV HAP contract, JCHA will rely on the owner’s certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question instead of conducting an initial inspection. At minimum, JCHA will require the owner’s certification. However, JCHA may add other requirements or conditions in addition to the owner’s certification but is not required to do so.

This waiver may also be applied to JCHA-owned units if the independent entity is unable to perform the inspection.

The period of availability for JCHA to accept owner’s self-certification for an initial inspection ends on December 31, 2021. For any unit added to a PBV HAP contract based upon an owner’s self-certification, the JCHA will conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

- **Housing Quality Standards: Space and Security:** The regulation establishes a minimum standard for adequate space for both an HCV- and PBV-assisted family. Specifically, it requires that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.

JCHA is waiving this requirement in order to assist current participants that need to add a member or members to the assisted households as a result of the COVID-19 pandemic, and the additional family members would result in the unit not meeting the space and security

standards. This provision does not apply to an initial or new lease. A participant must not enter into a new lease for a unit that does not comply with the space and security standards.

For any family occupying a unit that does not meet the space and security requirements pursuant to this waiver, the waiver will be in effect for the duration of the current lease term or one year from the date of this waiver, whichever period is longer.

Automatic Termination of HAP Contract:

Regulatory Authority: 24 CFR § 982.455

When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, PHAs are required by this regulation to automatically terminate HAP contracts 180 days after the last housing assistance payment to the owner. In recognition that the COVID-19 emergency is creating economic and employment instability for many families, as well as situations where families may on a temporary basis be adding members whose additional income may result in a \$0 HAP subsidy calculation, HUD has waived this requirement. As an alternative requirement, the JCHA, upon written notice to the owner and family, will extend the period of time following the last payment to the owner that triggers the automatic termination of the HAP contract. This extension may not be extended beyond December 31, 2021.

Eligibility Determination:

Applicant Interview and Completion of Full Application: All preferences claimed on the application or as a result of any updates to the application will be verified after the applicant is selected from the waiting list and prior to completing the full application. The qualification for preference must exist at the time the preference is claimed and at the time of verification, since claim of a preference determines selection from the waiting list (See HCVP Administrative Plan, Chapter 3, Section G). Due to the COVID-19 pandemic, applicants who were processed and found eligible for placement with a Working Family Preference before March 27, 2020, but who have since lost their employment due to COVID-19, will continue to be processed for placement. Applicants will be required to submit updated information and documents when contacted by the JCHA. ("Working Family" is defined as: employment is principal source of income (Criteria is based on stable employment for at least the past six (6) months with a minimum of 15 hours work week), or; Head or Spouse is 62 years or older, or; Head or Spouse receives: Social Security Disability benefits, Supplemental Security Income (SSI) Disability benefits, or Temporary Unemployment benefits or other benefits based on inability to work, or; Head or Spouse is currently in a self-sufficiency or job training program or meets equivalent standards of economic self-sufficiency.)

Utility allowance schedule – Required Review and Revision:

Regulatory Authority: 24 CFR § 982.517

The regulations require the PHA to review its schedule of utility allowances each year and revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. HUD has waived this requirement to allow PHAs to delay the review and update of utility allowances.

JCHA will review and update of utility allowances that were due at some point in time in CY 2020 no later than December 31, 2021.

Repayment Agreements:

During this public health emergency, the JCHA is accepting money orders by drop-off on Monday through Friday or by mail. Receipt of payment will be provided through email or phone communication.

Participants that are currently on a repayment agreement and have been affected by COVID-19 may request temporary suspension of payments through mail, email or phone communication.

Self-Sufficiency (FSS) Contract of Participation - Contract Extension:

HUD authorizes a PHA to extend a family's contract of participation for a period not to exceed two years upon finding a good cause (24 CFR 984.303(d)). HUD has made a determination that the circumstances surrounding COVID-19 qualify as "good cause" to extend family contracts. Therefore, the JCHA's FSS programs will consider this expanded definition of "good cause" as it makes its determinations on each family's eligibility for an extension.

The period of availability during which the JCHA may extend the family's contract of participation using COVID-19 as the "good cause" ends on December 31, 2021.

Informal Hearings:

HCVP participants will maintain their due process right to request and have an informal hearing to contest a proposed termination during the 120-day moratorium period. Since there are currently no in-person meetings due to social distancing mandates, the JCHA will implement hearings via telephone when needed for terminations involving criminal activity or for conduct which threatens the health and safety of other residents.

Face Coverings/Masks:

Residents, applicants, vendors, and members of the public are required to wear face coverings or masks when interacting with or receiving services from JCHA staff, including work orders. To protect and safeguard the health of JCHA residents, staff, vendors and the public, face coverings or masks must be worn by all parties during any in-person interaction. JCHA staff have been instructed to cease work activities/services if someone they are interacting with removes their face covering or mask.