**Kentucky Housing Corporation**

**COVID-19 Emergency Record Keeping & Required Waiver Documentation**

**for CoC, ESG, HOPWA and HOME TBRA Programs**

***Updated January 6, 2022***

***Emergency Record Keeping Policy & Procedures***

*Kentucky Housing Corporation (KHC), Recipient of ESG, HOME TBRA, HOPWA and CoC projects has established the following emergency record keeping and required waiver documentation protocols for all Subrecipient agencies during the COVID-19 national emergency. The following chart outlines emergency record keeping policies and required documentation KHC Subrecipients should maintain when implementing the UPDATED waivers outlined in the* [*Availability of Additional Waivers for Community Planning and Development (CPD) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 dated December 33, 2021*](https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_CPD_COVID19_December_2021.pdf?utm_source=HUD+Exchange+Mailing+List&utm_campaign=80fc158019-COVID-19-Waivers_12.30.21&utm_medium=email&utm_term=0_f32b935a5f-80fc158019-19498077)*.* ***Please note at this time all previously issued waivers for the HOME Tenant Based Rental Assistance (TBRA) Programs******expired September 30, 2021****. For reference KHC is keeping the required documentation for these previously issued waivers on this chart for reference but wants to ensure that Subrecipients understand they have expired. KHC serves as the Recipient, while ESG, CoC, HOME TBRA and HOPWA agencies funded through KHC are the Subrecipients. Subrecipients agencies must maintain the individual use of waivers in affected client files as noted below. Please note, CoC projects funded directly by HUD (i.e., “direct grantee” where grant agreement is between agency and HUD) must establish, in coordination with the HUD Louisville Field Office, their own emergency record keeping policies and procedures that outline the waivers they are utilizing and explain the records they will maintain to support them. Any direct funded CoC project is welcome to use the policies and procedures laid out below with the permission of the Field Office.*

**Continuum of Care (CoC)**

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| **Waiver No.** | **Requirement Waived**  **(Refer to HUD Memo for specific waiver details)** | **KHC (Recipient) Documentation\*** | **Required Subrecipient Client Level Documentation\*** |
| **1** | **Fair Market Rent for Individual Units and Leasing Costs**  24 CFR 578.49(b)(2) | 1) Copy of mega waiver request submitted to HUD Field Office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation that FMR limits are impeding grantee’s ability to find units for clients as a result of COVID-19 **2)** A copy of the lease clearly displaying the date of execution; **3)** a note to file noting the date of the COVID-19 Memorandum and its application to the client’s lease; **4)** a completed KHC CVD19 HCA-200 – Rent Reasonableness Checklist and Certification – CoC. |
| **2** | **Disability Documentation for Permanent Supportive Housing (PSH)**  24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B) | 1) Copy of mega waiver request submitted to HUD Field Office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation of COVID-19 related constraints preventing collection of disability documentation such as stay-at-home orders or office closures **2)** Copy of HCA Disability Self-Certification(s) KHC CVD19 HCA-201 OR KHC CVD19 HCA-202; **3)** a note in the files of affected clients outlining application of the waiver and compliance with the timeframe. |
| **3** | **Waiver expired December 31, 2021.**  **~~Limit on Eligible Housing Search and Counseling Services~~**  ~~24 CFR 578.53(e)(8)(ii)(B) and 578.53(d)~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~ | **~~1)~~** ~~Project will document in detail “difficulty obtain[ing] housing”;~~ **~~2)~~** ~~Specifically, documentation will demonstrate the client’s inability to obtain housing as a direct result of rent and utility arrears.~~ |
| **4** | **Waiver expired September 30, 2021. Note: KHC has guidance for Remote Case Management on the Help Desk. Link located in blue to the right.**  **~~Permanent Housing-Rapid Re-housing Monthly Case Management~~**  ~~24 CFR 578.37(a)(1)(ii)(F)~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~  ***\*See*** [***KY BoS COVID-19 Suggestions for Remote Case Management guidance document***](https://kyhmis.zendesk.com/hc/en-us/articles/360045598973-KY-BoS-COVID-19-Suggestions-for-Remote-Case-Management) | **~~1)~~** ~~Project must maintain documentation for why remote case management could not be performed during stay-at-home orders, or similar COVID-19 related impediment to providing case management;~~ **~~2)~~** ~~A detailed note in the files of affected clients outlining application of the waiver.~~ |
| **5** | **NEW/UPDATED**  **Housing Quality Standards (HQS) – Initial Physical Inspection of Unit**  24 CFR 578.75(b)(1) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** A completed HQS Inspection Form noting the method of observation, date, and a reference to the waiver; **2)** video or photo documentation of the property with the date of the digital inspection clearly indicated **3) NEW/UPDATED Subrecipient agency must develop written policies that detail that units must physically be re-inspected by June 30, 2022.** |
| **6** | **NEW/UPDATED**  **HQS – Re-Inspection of Units** 24 CFR 578.75(b)(2) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **NEW/UPDATED 1)** A completed HQS Inspection Form noting the method of observation, date, and a reference to the waiver; **2)** video or photo documentation of the property with the date of the digital inspection clearly indicated |
| **7** | **One-Year Lease Requirement**  **24 CFR 578.3, definition of permanent housing,** 24 CFR 578.51(l)(1) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Project must maintain documentation outlining constraints related to 1-year lease requirement; **2)** A notation in the files of affected clients along with a copy of the lease indicating the term. |
| **8\*\*** | **Waiver to the definition of DedicatedPLUS:** Section III.C.3.f.(2) of the FY 2018 CoC Program Competition NOFA and Section III.C.2.g.(2) of the FY 2019 CoC Program Competition NOFA. | 1) Copy of second waiver request submitted to HUD Field Office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Client file(s) must contain KHC Form HCA-100 documenting current nighttime residence is Transitional Housing and the file(s) must also contain the necessary support documentation as indicated on KHC Form HCA-100. Waiver is applicable to all projects funded in FY2018 and FY2019 CoC Program competitions. |
| **9\*\*** | **NEW/UPDATED**  **Waiver of the CoC RRH 24-month rental assistance restriction:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR 578.51(a)(1)(i) | 1) Copy of second waiver request submitted to HUD Field Office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Client files must document outlining the recipient’s difficulty to afford their rent without additional rental assistance due to the COVID-19 public health crisis and subsequent economic downturn. **Waiver Expires: March 31, 2022.** |

**\****Documentation may be electronic.*

*\*\* New waivers issued on May 22, 2020.*

**Emergency Solutions Grants (ESG)**

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| **Waiver No.** | **Requirement Waived (Refer to HUD Memo for specific waiver details)** | **KHC (Recipient) Documentation\*** | **Required Subrecipient Client Level**  **Documentation\*** |
| **11** | **Re-evaluations for Homelessness Prevention Assistance**  24 CFR 576.401(b) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation demonstrating need to keep participant housed during COVID-19 pandemic; **2)** A note in the files of affected clients; **3)** and documentation demonstrating compliance with the 6-month requirement. |
| **12** | **Waiver expired August 2020. Note: KHC has guidance for Remote Case Management on the Help Desk. Link located in blue to the right.**  **~~Housing Stability Case Management~~** ~~24 CFR 576.401(e)~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~  ***\*See*** [***KY BoS COVID-19 Suggestions for Remote Case Management guidance document***](https://kyhmis.zendesk.com/hc/en-us/articles/360045598973-KY-BoS-COVID-19-Suggestions-for-Remote-Case-Management) | **~~1)~~** ~~Project must maintain documentation for why remote case management could not be performed during stay-at-home orders, or similar COVID-19 related impediment to providing case management;~~ **~~2)~~** ~~A note in the files of affected clients.~~ |
| **13** | **Restriction of Rental Assistance to Units with Rent at or Below FMR**  24 CFR 576.106(d)(1) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation that FMR limits are impeding subrecipient’s ability to find units for clients as a result of COVID-19; **2)** A copy of the lease clearly displaying the date of execution; **3)** a note to file noting the date of HUD COVID-19 Memorandum and its application to the client’s lease; and **4)** a completed KHC CVD19 HCA-205 Rent Reasonableness Checklist and Certification – ESG. |
| **13b** | **NEW/UPDATED**  **24-month limit in 3-year period that a program participant may receive rental assistance**  24 CFR 576.105(a)(5), (b)(2) and (c)  Applicable only to FY2021 ESG Grant Funding (already applicable to ESG-CV, FY2020 and earlier year funding per Mega Waiver CPD Notice 21-08). | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Project must maintain documentation to indicate it is necessary to facilitate obtaining housing or to stabilize housing for program participants to prevent the spread of COVID-19; **2)** A notation in the files of affected clients along with a copy of the lease demonstrating that program participants will reach 24-month limit between December 30, 2021 and March 31, 2022. |
| **13c** | **NEW/UPDATED**  **Prevention assistance provided to program participants who are legally subleasing housing from a primary leaseholder**  24 CFR 576.105, 24 CFR 576.106  Applicable only to FY2021 ESG Grant Funding (already applicable to ESG-CV, FY2020 and earlier year funding per Mega Waiver CPD Notice 21-08). | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Project must maintain documentation to indicate it is necessary to facilitate obtaining housing or to stabilize housing for program participants to prevent the spread of COVID-19; **2)** Client files must contain a copy of the legally valid sublease with primary leaseholder; **3)** Grantee must update written policies to include that the requirements that apply to “owner” and “housing owner” under the waiver are interchangeable with “sublease” or “lease” with primary leaseholder in reference to requirements in 24 CFR 576.105; 24 CFR 576.106; 24 CFR 576.409. |
| **13d** | **NEW/UPDATED**  **24-month limit during any three-year period on housing relocation and stabilization services (utility payments, housing stability case management)**  24 CFR 576.105(a)(5), (b)(2) and (c)  Applicable only to FY2021 ESG Grant Funding (already applicable to ESG-CV, FY2020 and earlier year funding per Mega Waiver CPD Notice 21-08). | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Project must maintain documentation to indicate it is necessary to facilitate obtaining housing or to stabilize housing for program participants to prevent the spread of COVID-19 via a note in the file of clients |
| **13e** | **Initial and annual in-person Habitability Standards physical property inspections.** | 1) Emergency recordkeeping policies and procedures | 1) Client file must contain copy of Agency/Owner Acknowledgement Provisional Inspection |

**\****Documentation may be electronic.*

**Housing Opportunities for Persons With AIDS**

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| **Waiver No.** | **Requirement Waived**  **(Refer to HUD Memo for specific waiver details)** | **KHC (Recipient) Documentation\*** | **Required Subrecipient Client Level Documentation\*** |
| **14** | **~~Self-Certification of Income and Credible Information on HIV Status~~**  ~~24 CFR 574.530~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~ | **~~1)~~** ~~Project must maintain documentation of COVID-19 related constraints preventing collection of income and HIV verification documentation such as stay-at-home orders or office closures;~~ **~~2)~~** ~~A note in the files of affected clients demonstrating applicability of the waiver;~~ **~~3)~~** ~~copies of the self-certifications – KHC CVD19 HCA-205. This method is acceptable until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19.~~ |
| **15** | **FMR Rent Standard**  24 CFR 574.320(a)(2) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation outlining the recipient’s difficulty in obtaining housing at the current rent standard; **2)** A copy of the application of the revised rent standard to the client’s unit, including rent reasonableness documentation – KHC CVD19 HCA-206. |
| **~~15b\*\*~~** | **~~Grantees must establish rent standards for rental assistance.~~** ~~24 CFR 574.320(a)(2)~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~ | **~~1)~~** ~~A copy of the grantees established rent standards based on Fair Market Rent and taking into consideration unit size, location, type, quality, amenities, facilities management and maintenance of each unit.~~ **~~2)~~** ~~Rent Reasonableness documentation – KHC CVD19 HCA-206. 3) A copy of the lease~~ |
| **16** | **Property Standards for TBRA**  24 CFR 574.310(b) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** A completed HQS inspection form noting the method of observation, the reason for not conducting the inspection-in person and a reference to the waiver; **2)** video or photo documentation of the property with the date of the digital inspection clearly indicated **3)** Copy of the reinspection that occurred after special measures were no longer necessary. |
| **17** | **Space and Security**  24 CFR 574.310(b)(2)(iii) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Project must maintain documentation of the need for quarantine space as a result of COVID-19; **2)** Documentation demonstrating quarantine recommendation of local health-care professionals including the timeframe for quarantine; **3)** a note in the file of affected clients outlining the application of the waiver KHC CVD19 HCA -208. This method is acceptable until public health officials determine no additional special measures are necessary to prevent the spread of COVID-19. |
| **~~18\*\*~~** | **~~Waiver of Time Limits for Short-term Housing Facilities and Short-Term Rent, Mortgage and Utility Payments:~~** ~~24 CFR 574.330(a)(1)~~ | ~~1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures~~ | **~~1)~~** ~~Grantees must be able to document that a good faith effort has been made on an individual household basis to assist the household to achieve permanent housing within the time limits specified in the regulations but that financial needs and/or health and safety concerns have prevented the household from doing so.~~ **~~2)~~** ~~The grantee has written policies and procedures outlining efforts to regularly reassess the needs of assisted households as well as processes for granting extensions based on documented financial needs and/or health and safety concerns.~~ |

**\****Documentation may be electronic.*

*\*\* New waivers issued on May 22, 2020.*

**HOME Tenant Based Rental Assistance (TBRA)**

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| **Waiver No.** | **Requirement** | **KHC (Recipient) Documentation\*** | **Required Subrecipient Client Level Documentation\*** |
| **18** | **Rent Reasonableness**  24 CFR 92.209(f) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-209 for each client file assisted with this waiver; **2)** Maintain an executed HOME TBRA Rental Assistance Contract and HOME TBRA Lease Addendum with owner/landlord for a term mutually agreed upon by all parties, but not to exceed the September 30, 2021 waiver period; **3)** Maintain an executed VAWA Lease Addendum with owner/landlord |
| **19** | **Eligible TBRA Costs and Maximum TBRA Subsidy**  24 CFR 92.209(a) and (h) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-210 for each client file assisted with this waiver; **2)** Maintain an executed HOME TBRA Rental Assistance Contract and HOME TBRA Lease Addendum with owner/landlord for a term mutually agreed upon by all parties, but not to exceed the September 30, 2021 waiver period; **3)** Maintain an executed VAWA Lease Addendum with owner/landlord; **4)** Maintain copies of utility bills (paid by HOME TBRA) submitted for the assisted unit (either by mail or electronically); **5)** If utility payment made directly to utility companies, subrecipient must maintain records of the program participant’s permission to pay the utility company directly and the notification(s) to the program participant of the amount(s) paid on their behalf |
| **20** | **Initial Housing Quality Standards (HQS) Physical Inspection**  24 CFR 92.209(i) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-213; **2)** For units built prior to 1978, Lead Safe Housing requirements of 24 CFR 35 subpart M cannot be waived, consequently those units must undergo a visual evaluation and paint repair in accordance with 24 CFR 35 subpart M, use KHC Form HCA 203 to document the visual evaluation; **3)** Documentation of written procedures that establish how the subrecipient will: **a)** Minimize the risk that tenants are in housing that does not meet HQS; **AND** **b)** Conduct physical inspections within 120 days following the end of the September 30, 2021 waiver period. |
| **21** | **Annual HQS Re-Inspections of Currently Occupied HOME TBRA units**  24 CFR 92.504(d)(1)(iii) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-214; **2)** Documentation of written procedures that establish how the subrecipient will: **a)** Minimize the risk that tenants are in housing that does not meet HQS; **AND** **b)** Conduct physical inspections within 120 days following the end of the September 30, 2021 waiver period. |
| **22** | **Term of Rental Assistance Contract**  24 CFR 209(e) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-211 for each client file assisted with this waiver; **2)** Maintain an executed HOME TBRA Rental Assistance Contract and HOME TBRA Lease Addendum with owner/landlord for a term mutually agreed upon by all parties, but not to exceed the September 30, 2021 waiver period; **3)** Maintain an executed VAWA Lease Addendum with owner/landlord |
| **23** | **Tenant Protections – Lease**  24 CFR 92.209(g) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-211 for each client file assisted with this waiver; **2)** A copy of the executed lease between the tenant and the owner/landlord; **3)** Maintain an executed HOME TBRA Rental Assistance Contract and HOME TBRA Lease Addendum with owner/landlord for a term mutually agreed upon by all parties, but not to exceed the September 30, 2021 waiver period; **4)** Maintain an executed VAWA Lease Addendum with owner/landlord |
| **24** | **Income Determinations**  24 CFR 92.203(a)(2) | 1) Copy of mega waiver request submitted to HUD field office; 2) Copy of agency waiver notification submitted to KHC; 3) Emergency recordkeeping policies and procedures | **1)** Documentation on form KHC CVD19 HCA-205 for each client file assisted with this waiver |

**\****Documentation may be electronic.*