Date issued: 7/8/2022

**Please note that all previously approved regulatory waivers have lapsed. ESG, CoC/YHDP, and HOPWA waivers are now governed by HUD** [*CPD Notice 22-09*: *Expedited Regulatory Waivers for the ESG, CoC, YHDP, and HOPWA Programs*](https://www.hud.gov/sites/dfiles/OCHCO/documents/2022-09cpdn.pdf) **issued June 15, 2022. All grantees must reapply for use of any of these waivers.** [**Apply for use of the waivers here.**](https://forms.office.com/Pages/ResponsePage.aspx?id=JkGgrhp_7UaB_Qb5KHpDmSLb3x8xy1ZOjGynXeL_SGFURVVQMk5YUEhXTTBXWEhPRlBKNFFBOVpRTC4u)

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| **KHC/HUD COVID-19 Expedited Waiver Details** | | |
| **CoC and YHDP** | **ESG** | **HOPWA** |
| **Waive limits of Fair Market Rent (FMR) for CoC/YHDP Permanent Housing Lease Costs**. Per 24 CFR 578.49(b)(2), individual units being leased must rent at or below HUD established FMRs. The FMR restriction is waived for leased units.  Rent reasonableness still applies. Please note there are directions in the CoC toolkit on how to properly complete Rent Reasonableness documentation.  **Waiver Applicability Period**:Lease agreements executed between the date of KHC’s waiver request approval and March 31, 2023 and that the waiver remain applicable to a lease of an individual unit that is leased between June 15, 2022 and March 31, 2023 and that the program participant continues to benefit from the waiver through the earliest of either the end of the lease or the end of the approved budget period for the grant funding the assistance. | **Waive Limits of Fair Market Rent for Rental Assistance Units**: Per 24 CFR 576.106(d)(1), units being paid for with ESG Rental Assistance must rent at or below HUD established FMRs. The FMR restriction is waived for RRH and Prevention assistance.    Rent reasonableness still applies. Please note there are directions in the ESG toolkit on how to properly complete Rent Reasonableness documentation.    **Waiver Applicability Period**: Lease agreements executed between the date of KHC’s waiver request approval and March 31, 2023 and that the waiver remain applicable to a lease of an individual unit that is leased between the date of KHC’s waiver request approval and March 31, 2023 and that the program participant continues to benefit from the waiver through the earliest of either the end of the lease or the end of the approved budget period for the grant funding the Rental Assistance. | **Waiver of Time Limits for Short-term Housing Facilities and Short-Term Rent, Mortgage and Utility Payments established by 24 CFR 574.330(a)(1):** On an individual household basis, grantees can who support short-term housing facilities may extend provisions of residence up to 120 days in a six-month period vs. the statue mandated limit of 60 days. Subrecipients/grantees must document on an individual household basis that a good faith effort has been made to assist the household to achieve housing stability within the time limits specified in the regulations but that financial needs or health and safety concerns have prevented the household from doing so.  For Short-term Rent, Mortgage and Utility (STRMU) payments can be extended for 52 weeks in a 52-week period vs. the statute-mandated 21 weeks in any 52-week period. Grantees must document a good faith effort to assist household to achieve permanent housing within time limits specified but that financial needs and/or health and safety concerns have prevented household from doing so.  Grantees need written Policies & Procedures outlining efforts to regularly reassess the needs of assisted households and granting extensions based on financial need and/or health and safety concerns.  **Waiver Applicability Period**: The date of KHC’s waiver request approval and may continue to thru periods of time not to extend beyond March 31, 2023.  **Note:** Waiver of the 60-day limit for Short-term Housing Facilities may be requested for ALL HOPWA grants including those funded under the CARES Act.  The waiver of the 21-week STRMU limit cannot be requested for CARES Act funded HOPWA allocations and/or HOPWA FY2020 Formula Funds that have approved Annual Plans that already allow for this flexibility to respond to COVID-19. |
| **Waiver of the limit of 24-Months on Rental Assistance for Rapid Rehousing:** 24 CFR 578.37(a)(1)(ii), 24 CFR 578.37(a)(1)(ii)(C), and 24 CFR  578.51(a)(1)(i) are waived for RRH program participants who will reach the maximum 24-months of rental assistance between the date of KHC’s waiver request approval and March 31, 2023.  **Waiver Applicability Period**: Applicable to allRRH program participants who will reach the maximum 24-months of rental assistance between the date of KHC’s waiver request approval and March 31, 2023.  Additional months or rental assistance must end by March 31, 2023.  \*Does not apply to Joint TH/RRH projects. | **Waiver of the limit of 24-Months on Rental Assistance:** 24 CFR 576.106(a) is waived for program participants who have received 24-months of rental assistance over a 3-year period but will not be able to afford their rent without additional rental assistance.  **Waiver Applicability Period**: Applicable to allprogram participants who will reach the maximum 24-months of rental assistance between the date of KHC’s waiver request approval and March 31, 2023.  Additional months or rental assistance must end by March 31, 2023. | **Waiver of adequate space and security provisions established by 24 CFR 574.310(b)(2)(iii).** The waiver enables grantees operating housing facilities the opportunity to place more than two people in a room, common areas and other appropriate spaces for temporary quarantine services of eligible individuals and families affected by COVID-19.  **Waiver Applicability Period:** Fromthe date of KHC’s waiver request approval and March 31, 2023. |
| **Waiver of One Year Lease Requirement**: For both Permanent Supportive Housing and Rapid Rehousing the regulatory requirements at 24 CFR 578.3 and 24 CFR 578.51(l)(1) that require recipients to execute a lease that is for a term of at least one year are waived so long as the term of the lease is at least one month.  **Waiver Applicability Period**: Lease agreements executed between the date of KHC’s waiver request approval and March 31, 2023. | **Waiver allows for ESG to assist program participants with Subleases**: Waived the regulatory requirements in 24 CFR 576.105 and 576.106 to the extent that the references to “owner” and “lease” in 24 CFR 576.105 and 576.106 restrict program participants from receiving assistance in units they sublease from the primary leaseholder. This waiver will be used only when the program participant chooses to rent a unit through a legally valid sublease with the primary leaseholder for the unit.  **Waiver Applicability Period**: Sub-Lease agreements executed between the date of KHC’s waiver request approval and March 31, 2023. | **Waiver of the requirement established by 24 CFR 574.530** **that applicants must have source documentation of HIV status and income at application to determine eligibility.** Permits HOPWA sub-recipients/grantees to utilize written certification of income and HIV status to document eligibility of an individual or family seeking assistance.  *Source documentation for income eligibility and HIV status must be obtained within 90 days of written certification.*  **Waiver Applicability Period**: HOPWA Sub-recipients/grantees can request the use of this flexibility between the date of KHC’s waiver request approval and March 31, 2023. The effective period must not exceed beyond March 31, 2023. |
| **Waiver of the requirement established by 24 CFR 578.103(a)** **and 24 CFR 578.103(a)(4)(i)(B) that 3rd Party Disability Documentation be obtained within 45 days of application for assistance.** A written certification by the individual seeking assistance that they have qualifying disability is an acceptable proof of disability.  **Waiver Applicability Period**: Written certification by the individual seeking assistance that that they have a qualifying disability will be acceptable from the date of KHC’s waiver request approval until March 31, 2023. | **Waiver of Duration Limits on Housing Relocation and Stabilization Services**: Waive one or more of the 24-month limits under Housing Relocation and Stabilization services including:   1. 24 CFR 576. 105(a)(5), which limits a program participant to 24 months of utility payments during any 3-year period; 2. 24 CFR 576.105(c), which limits to case management for program participants to 24-months   The notice also allows a waiver to change the 24 CFR 576.105(b)(2) limits on the provision of housing stability case management while the program participant is seeking permanent housing from 30 days to 60 days.  **Waiver Applicability Period**:  **\*** To allow program participants to exceed the 24 months of utility payments under ESG during any three-year period per 24 CFR 576.105(a)(5) from the date of KHC’s waiver request approval until March 31, 2023.  \*To allow program participants to exceed the 24 months of Housing Relocation and Stabilization Services 24 CFR 576.105(c) from the date of KHC’s waiver request approval until March 31, 2023.  \*For 24 CFR 576.105(b)(2) to allow grantees/sub-recipients to pay for housing stability case management for up to 60 days while the program participant is seeking housing during the timeframe of the date of KHC’s waiver request approval and March 31, 2023. |  |