



Questions and Answers for Impact of COVID-19 on Housing and Homelessness Webinar 3/26/20

All answers have been approved by Florida Housing Finance Corporation and the Florida Housing Coalition.

Last Updated on 04/01/2020.

State Housing Initiatives Partnership (SHIP)

Q1: What if you do not have rental assistance or foreclosure prevention in your current LHAP? Does a community have to update its LHAP in order to provide COVID-19 emergency assistance?

A: Yes, you must make a technical revision to the Disaster Strategy in your LHAP to offer COVID-19 Support. Update SHIP Disaster Strategy by adjusting the maximum award if needed and adding this text: SHIP disaster funds may be used for items such as, but not limited to:

Temporary rent and utility payments for up to 6 months for tenants financially impacted by COVID-19

Temporary mortgage and utility payments for up to 6 months for homeowners financially impacted by COVID-19

To be most efficient, use the "Technical Revision & Waiver Requests TEMPLATE" which supplies the needed text and guidance (available on the FHC COVID website and by emailing chaney@flhousing.org). Email your technical revisions in underline and strikethrough format for approval (along with waiver requests addressed in other questions) to Robert.dearduff@flhousing.org. The revision does not have to be approved by your city or county commission. Once Mr. Dearduff reviews and approves the revision, he will waive SHIP advertisement requirements and you may start announcing assistance, completing other outreach and accepting applications.

One type of COVID-19 emergency assistance is foreclosure counseling. No LHAP changes are needed to immediately spend SHIP funds on foreclosure counseling. Another question addresses how it is best to contract with a HUD approved counseling agency for this. Foreclosure counseling is allowed on page 4 of all LHAPs under the section K. Support Services and Counseling, which includes the standard language "Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, **Foreclosure Counseling** and Transportation."

Q2: What if we currently do not have Rental Subsidies in our LHAP? Would we be able to revise our LHAP to allow for these options?

A: See the previous question and answer. You are planning to offer 'temporary rent payments' through your disaster strategy. This is different than offering 'rent subsidies', an activity that is reserved only for very low-income households that are homeless or special needs. This activity requires a separate LHAP strategy and should not be included in your disaster strategy. By contrast, first and last month's rent,



(Q2 Continued)

security and utility deposits, rent and utility payments and eviction prevention can be provided to all eligible income groups by completing a technical revision to your disaster strategy.

Q3: On the first COVID-19 webinar on March 19, Robert Dearduff mentioned that the homeownership and construction set-asides can both be waived for the program years that we have unexpended funds toward this disaster. Is this waived for all or something that we need to request? We want to make sure prior to diverting funds from homeowner/construction projects to rental assistance.

A: The waiver will be provided at the same time the FHFC approves the technical revision to the SHIP strategy. The FHFC intends to make this process as easy as possible. To be most efficient, use the “Technical Revision & Waiver Requests TEMPLATE” that Florida Housing Coalition staff created to supply the needed text and guidance (available on the FHC COVID website and by emailing chaney@flhousing.org).

As noted on the Template, your waiver request should provide details of the activities, fiscal years and unencumbered dollars involved in the waiver. When a request for waiver of the 65% homeownership set aside is approved, it automatically allows the local government to exceed the 25% cap on rental assistance.

Q4: If we have some unencumbered SHIP funds that we can now use for COVID-19 Foreclosure Assistance and/or Rental Assistance, must we advertise these funds? Would we have to comply with the 30-day rule?

A: Again, the waiver for the advertisement requirements will be provided by the FHFC at the same time your technical revision is approved. Any SHIP local government that wants to provide COVID assistance simply completes a LHAP technical revision to the SHIP disaster strategy. The advertisement waiver is granted at the same time as approval of the technical revision. To be most efficient, use the “Technical Revision & Waiver Requests TEMPLATE” that Florida Housing Coalition staff created to supply the needed text and guidance (available on the FHC COVID website and by emailing chaney@flhousing.org).

Q5: Is there an established limit on how much SHIP funding can be used for providing housing counseling?

A: There is not a specific limit on the amount of funds that can be used for counseling, but funds spent on counseling do not comply with any set-asides. Since at least 75 percent of funds must be devoted to construction/rehabilitation and another 10 percent is often devoted to administration, usually only 15 percent of an allocation is available for counseling. However, during this period of COVID-19 response, a local government may receive a waiver of the homeownership and construction set-asides to spend more funds on foreclosure counseling, rent assistance and other COVID-19 emergency response.

Q6: Will there be any changes on what is required regarding documentation and application requirements to fast track assistance? May we use self-certification of income?



A: See the written direction here from Florida Housing’s SHIP Monitors. It addresses the 'Family Certification method (self-certification)', which is the same as the SHIP disaster self-certification form.

Among the highlights of their guidance: COVID social distancing may cause some delays to applications, verifications and certifications. A delay in obtaining verifications or all signatures is not reason enough to skip directly to self-certification, however. Florida Housing’s SHIP Monitors write:

The HUD 4350.3 Occupancy Handbook contains guidance regarding extenuating circumstances that cause delay in the execution of its consent forms and HUD 50059 tenant certification and until the IRS issues guidance to the contrary, Florida Housing’s SHIP Compliance Monitoring section will emulate HUD and apply the extenuating circumstances principals and postpone execution of all verification and certification documents. The owner must document the reasons for the delay in the resident file (“Applicant/resident did not sign due to COVID-19 risk”) and indicate how and when the applicant/resident will provide the proper signature.

The review of documents provided by an applicant/resident is acceptable third-party verification according to the HUD 4350.3 guidance. However, again per the 4350.3, it’s acceptable to resort to the Family Certification method (self-certification) if the information cannot be verified by another acceptable verification method. In these instances, the owner must include in the resident file a description of the attempts first made to obtain the actual third-party verification documents.

Please note that HUD requires a Family Certification to be notarized and include a statement to the veracity of the information provided; HUD allows an owner to witness the family signature(s) in lieu of notarization. This same allowance will apply to LG staff administering SHIP.

Paragraph 5-18 E in the 4350.3 includes guidance for documentation requirements when third-party verification isn’t available. Currently, the existence of extenuating circumstances that might delay actual execution of a document is not reason enough to skip directly to Family Certification.

When there is a delay in obtaining and/or witnessing the actual family signature(s) due to extenuating circumstances this fact should be noted initially and then when the signatures are subsequently obtained a reference to the original statement can be made to explain what would otherwise appear to be tardy execution of the “Family Certification” (similar to a “true and correct as of [date]” statement). The date the signature was actually obtained must be entered on the document.

Q7: Will rental payments (SHIP) be allowed for non-homeless, special needs populations with COVID-19 hardships?

A: See the answer above about making technical revision to the Disaster Strategy. A revised Disaster Strategy may allow a local government to use SHIP funds to provide temporary rental assistance payments and utility payments to all SHIP eligible income groups.

Q8: I heard on the webinar that there will be a webinar about providing rental assistance under a disaster strategy. When is this webinar and how can I register?



A: The “COVID-19 Emergency Assistance for Renters” will be held on April 2 from 10:00am to 11:30am. Here is the link to register: <https://attendee.gotowebinar.com/register/9156192282218054413>

Q9: Can you provide a website for rental assistance available for hospitality workers?

A: Every local government that receives federal and state funds to assist individuals under this disaster will determine the application process and specific requirements for its program including assistance to those impacted by the disaster that work in the hospitality industry. Here is the link to local governments in Florida that administer the SHIP program. The list is broken down by Cities and Counties. <https://www.floridahousing.org/programs/special-programs/ship---state-housing-initiatives-partnership-program/local-government-information>

Q10: Can we accept electronic signatures (fax/emailed) on the SHIP income certification forms due to our office being closed to the public?

A: Yes, you can. There is nothing in the SHIP statute or the rule that would prohibit the use of electronic tenant files or signatures. Chapter 668., subsection 668.50 (7) Fla. Stat. states: LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.

- (a) A record or signature may not be denied legal effect or enforceability solely because the record or signature is in electronic form.
- (b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in the formation of the contract.
- (c) If a provision of law requires a record to be in writing, an electronic record satisfies such provision.
- (d) If a provision of law requires a signature, an electronic signature satisfies such provision.

Another acceptable process that can be used during this social distancing period is addressed in an answer above about guidance from the SHIP Monitors. The local government staff alone may sign the income certification form (also called the Residential Income Certification (RIC)). This is an acceptable practice that is similar to how HUD is currently allowing rental property managers to delay collecting resident signatures for income re-certification.

Q11: Regarding SHIP for Temporary Rent Payments: Assuming a Local Gov decides to do this, how quickly could this happen?

A: See the answer above about making technical revision to the Disaster Strategy, which is the first action to take. The revision does not have to be approved by your city or county commission. Once Robert Dearduff reviews and approves the revision, he will waive SHIP advertisement requirements and you may start announcing assistance, completing other outreach and accepting applications.



Homelessness

Q1: Who did DEM contact for surveys? Just wondering if CoCs are part of their distribution list.

A: The Division of Emergency Management distributed the survey to local emergency management staff, who then sent it out to relevant organizations. In some instances, this did include Continuum of Care Lead Agencies.

Q2: If we have the ability to use ESG for shelters can we use the funds to pay for a hotel stay if the shelter is at capacity?

A: Utilizing hotels or motels when there is no appropriate emergency shelter is allowed under the Code of Federal Regulations. See 24 CFR 576.102 - Emergency shelter component - Shelter operations. Eligible costs are the costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, and supplies necessary for the operation of the emergency shelter.

Where no appropriate emergency shelter is available for a homeless family or individual, eligible costs may also include a hotel or motel voucher for that family or individual.

Always check with your grantor to ensure it is allowable within the terms of your grant agreement.

Q3: Special population issue (foster care in tax credits): how do we handle youth who receive notices to vacate (because) of lease violations in lieu of the current COVID-19 emergency. Many properties have all new move-ins on hold as their property management offices are closed or working remotely. We don't want to add to our already struggling homeless population but need guidance in working with our tax credit properties to keep the youth stable in place.

A: Eviction moratoriums do not always protect tenants who are being evicted due to lease violations outside of nonpayment. Please check with your locality or state to determine if an eviction moratorium is in place and, if so, what the terms are. Please note the CARES Act will provide certain protections for renters including moratoriums on evictions of certain federally subsidized properties.

Working with your local Continuum of Care Lead Agency is the best way to ensure that there are measures in place to prevent and end homelessness among all youth.

Q4: Where is the link to the "Estimated Emergency and Observational/Quarantine Capacity Need for the U.S. Homeless Population Related to COVID-19 Exposure by County; Projected Hospitalizations, Intensive Care Units, and Mortality" that you discussed during the webinar?

A: You can access the report at this link: https://endhomelessness.org/wp-content/uploads/2020/03/COVID-paper_clean-636pm.pdf

Q5: I can't find the place where ESG changes are delineated on the National Low-Income Housing Coalition's website. Can you provide the link for that?

A: The summary can be found at this link: <https://nlihc.org/resource/congressional-leaders-agree-coronavirus-response-package-funding-homelessness-and-housing>



Q6: Could you please share the procedures for when a [shelter] resident tests positive?

A: Emergency shelters should consult with their Continuum of Care Lead Agency, local Health Department, relative healthcare facilities, and Emergency Management office to develop a plan for addressing how residents who are symptomatic and/or positive for COVID-19 will be assessed, isolated, and/or quarantined.

The CDC and HUD have provided guidance on their websites for emergency shelters.

<https://www.hudexchange.info/homelessness-assistance/diseases/#covid-19-site-specific-emergency-operations>

Q7: What is the link to the DEM survey about available facilities to help isolate and quarantine people?

A: It is available at <https://www.surveymonkey.com/r/fdemfacilitysurvey>

Other Questions

Q1: Do we know if the CDBG will provide more funding for public services for items like housing counseling, homeless services and fair housing legal services?

A: The proposed bill eliminates the cap on the amount of funds a CDBG grantee can spend on public services. The National Low-Income Housing Coalition has done a thorough analysis of the bill. You can find it here: <https://nlihc.org/resource/congressional-leaders-agree-coronavirus-response-package-funding-homelessness-and-housing>.

Q2: For units needing to be leased and needing a housing quality standard inspection is there any way to bypass these inspections since the HQS inspections are not being provided?

A: HUD issued a FAQ sheet for Public Housing Authorities addressing HQS inspections. https://www.hud.gov/sites/dfiles/PIH/documents/COVID19_FAQ_PIH_Final.pdf

If the program requiring HQS inspection does not fall under administration of a Public Housing Authority, e.g. CoC Programs, please submit an AAQ to HUD or contact your local HUD Field Office for guidance.

Q3: 14.How do local governments conduct inspections when there are life threatening issues?

A: Due to distancing protocols it may not be possible for a local government to conduct inspections during this time. Local governments might consider adopting policies, in line with funding source regulations, that address how inspections will be addressed during disasters.

Q4: Where can I see a review of the funding amounts and resources of the stimulus package?

A: The National Low Income Housing Coalition has provided a thorough review of the stimulus bill: <https://nlihc.org/resource/congressional-leaders-agree-coronavirus-response-package-funding-homelessness-and-housing>