

## PHFA Multifamily Division

### COVID-19 Questions and Answers – Current as of September 2, 2020

PHFA continues to monitor the situation surrounding COVID-19 and its impact on our multifamily partners. This Q&A is not exhaustive but addresses frequent questions we have received to date. We encourage you to utilize the resources listed below and consult your attorney when appropriate. Properties should continue to follow the most recent federal and state mandates and guidance provided by the Centers for Disease Control and Prevention. PHFA will update this document and post new versions on our website as additional information is provided.

The following Q&A is organized by each housing management department. Multiple departments may apply to a single property. We encourage you to read through the entire Q&A. Each department has listed the best way to contact their staff during this time. PHFA employees are actively monitoring their email throughout the day. Whenever possible, we encourage using email to contact PHFA. While phones are being monitored, email will allow for a faster response.

### Project Operations – Agency Funded Properties (HOME, PHARE, Keystone, National Housing Trust Fund, Agency Mortgages)

**Q1. *What is the best way to contact your Housing Management Representative during the COVID-19 office closure?***

A1. While PHFA's physical offices are closed, PHFA staff is working remotely from home. Please use email to communicate with the Housing Management Representative (HMR) assigned to your property. If you do not have this information, contact Barb Huntsinger at [bhuntsinger@phfa.org](mailto:bhuntsinger@phfa.org). There may be some instances when response time is slower than usual due to the nature of working remotely.

**Q2. *How will Management Reviews and File Audits be conducted?***

A2. Until further notice, all Management Reviews and File Audits will be conducted remotely as a desk audit. If you had a previous on-site visit scheduled, consider it cancelled. PHFA will contact Owners/Agents (O/A) to schedule a remote management audit.

**Q3. *Can we still access the PHFA portal to enter Tenant Income Certifications (TICs)?***

A3. Yes, the system is still functional. We highly encourage owners and agents to enter TICs as events occur.

**Q4. *Can we still access the PHFA portal to access rent and income limits?***

A4. Yes, rent and income limits are still accessible.

**Q5. *Are we still required to do monthly occupancy reporting?***

A5. Yes, monthly occupancy reporting is still required. Contact Nicole Mullins at [nmullins@phfa.org](mailto:nmullins@phfa.org) if you have any questions regarding occupancy reporting.

**Q6. Will I still have a rent-up meeting for my new property?**

A6. If your property requires a rent-up meeting, your HMR will contact you to set up a remote meeting. The meeting will involve either a conference call or the use of a WebEx web-based meeting.

**Q7. How is PHFA handling the possibility of late recertification?**

A7. For properties with tax credits: On July 1, 2020, IRS Notice 2020-53 was published and suspends the owner requirement to perform annual tenant income certifications for the period beginning April 1, 2020 and ending December 31, 2020. Keep in mind other funding sources may have different requirements. **(Updated 9/2/20)**

**Q8. How do we meet recertification deadlines when we can't get verifications from sources?**

A8. Properties with Tax Credits:

For properties with tax credits: On July 1, 2020, IRS Notice 2020-53 was published and suspends the owner requirement to perform annual tenant income certifications for the period beginning April 1, 2020 and ending December 31, 2020. Keep in mind other funding sources may have different requirements. **(Updated 9/2/2020)**

**Q9. Will recertification deadlines be extended?**

A9. For properties with tax credits: On July 1, 2020, IRS Notice 2020-53 was published and suspends the owner requirement to perform annual tenant income certifications for the period beginning April 1, 2020 and ending December 31, 2020. Keep in mind other funding sources may have different requirements. **(Updated 9/2/2020)**

**Q10. Will we be able to receive guidance from PHFA regarding completing certifications with limited and/ or no contact with residents?**

A10. PHFA will accept electronic signatures (see next question). Other property operations are up to each individual Owner / Agent.

**Q11. Am I able to use electronic signatures?**

A11. Yes. Electronic signatures are permitted for many documents: Application, Tenant Releases for Verification, Third Party Documents, Leases and Lease Addendums.

**Q12. Can we "cease" lease-ups for the time being?**

A12. PHFA will not offer guidance on how O/As should perform property operations. Please refer to guidance from the resources listed below or contact your attorney.

**Q13. How should I handle evictions if people cannot pay their rent?**

A13. On September 1, 2020, the Centers for Disease Control and Prevention (CDC) issued an order, *Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, banning landlords from evicting tenants who can no longer afford their rent due to income lost due to the coronavirus pandemic. The order would make it illegal to evict any individual who in 2020 expects to make less than \$99,000 or a joint-filing couple that expects to make less than \$198,000. In order to qualify, each adult in the household must present a signed declaration to their landlord. The order along with a sample declaration can be found in the CDC's order at: [file:///M:/COVID-19/2020-19654%20-%20US%20HHS%20Notice%20re%20Eviction%20Order%20\(002\).pdf](file:///M:/COVID-19/2020-19654%20-%20US%20HHS%20Notice%20re%20Eviction%20Order%20(002).pdf) Tenants are still required to pay rent owed per the terms of the lease but will be allowed to stay in their unit through December 31, 2020.

**Q14. What is the best way to handle late rent payments?**

A14. Per PHFA's 3/16/20 COVID-19 email, we asked that O/As consider waiving late fees for tenants who miss the due date for payments because of changes to their work situation at the current time. "We understand that this health emergency may be causing stress for some of your renters. We are hoping you can show some sensitivity to their situation and be flexible in how you manage their rent payments until our communities start to recover from the COVID-19 pandemic."

Additionally, HUD's Office of Multifamily Housing Programs has a helpful brochure to provide to residents. The brochure called, *ADDRESSING TENANT CONCERNS DURING THE COVID-19 NATIONAL EMERGENCY*, comes in multiple languages and can be found at:

[https://www.hud.gov/sites/dfiles/Housing/documents/MF\\_Tenant\\_Concerns\\_COVID-19\\_Brochure.pdf](https://www.hud.gov/sites/dfiles/Housing/documents/MF_Tenant_Concerns_COVID-19_Brochure.pdf).

PHFA advises that this brochure be provided to residents by placing a copy on the resident's door, by posting in public areas such as elevators, laundry rooms, near mailboxes, on management office or main doors, or by doing both.

Also, please see the guidance in Q&A #18. **(Updated 5/5/2020)**

**Q15. Is there any rental assistance available to help households who, due to COVID-19, are unable to pay their rent?**

A15. The CARES Act, passed in March, provided \$3.9 billion for Pennsylvania and is intended to help people hurt economically during the pandemic. In late May, the PA General Assembly directed \$175 million of these CARES dollars to PHFA to provide assistance for struggling renters and homeowners. The portion for the CARES Rent Relief Program (RRP) is at least \$150 million. PHFA identified organizations in all 67 counties to process the rent relief applications and those participating organizations will accept and process the (RRP) applications beginning July 6, 2020 until September 30, 2020.

The CARES RRP funds may only be used to cover rent incurred between March 1, 2020, and December 30, 2020 and property owners are eligible to apply on behalf of lessees. The maximum amount of monthly assistance is \$750 and the maximum funding per household is \$4,500 throughout six month period. For program guidelines and other important information including step-by-step instructions on how to apply, visit PHFA's CARES Rent Relief Program (RRP) website at <https://www.phfa.org/pacares/rent.aspx>.

**(Added 7/1/2020)**

**Q16. Are there resources available for my residents who cannot pay their utility bills?**

A16. The Public Utilities Commission issued an emergency order, the *Public Utility Service Termination Moratorium Proclamation of Disaster Emergency- COVID-19*, advising that all electric, natural gas, water, wastewater, telecommunications, and steam utilities (subject to the Commission's jurisdiction) may not terminate service during the Proclamation of Disaster Emergency, unless to ameliorate a safety emergency, or unless otherwise determined by the Commission. The PUC website is at [http://www.puc.pa.gov/about\\_puc/covid\\_19.aspx](http://www.puc.pa.gov/about_puc/covid_19.aspx).

Also, the Pennsylvania Utility Law Project provides information for renters and homeowners affected by COVID-19. Information may be found at <https://www.rhls.org/utilities/pulp>.

**(Updated 5/5/2020)**

**Q17. Has HUD clarified which unemployment payments are to be included in resident income calculations for HUD assisted Multifamily properties?**

- A17. The CARES Act contains the following three types of unemployment compensation:
1. Pandemic Unemployment Assistance is a benefit for individuals who are self-employed, seeking part-time employment, or whom otherwise would not qualify for regular unemployment insurance. These payments are included as annual income.
  2. Federal Pandemic Unemployment Compensation provides individuals who are collecting certain unemployment benefits to receive an additional \$600 in benefits per week for the weeks of unemployment ending on or before 7/31/20. These benefits are considered temporary income and must NOT be included in annual income.
  3. Pandemic Emergency Unemployment Compensation provides an extension to regular unemployment insurance benefits allowing individuals to receive up to 13 weeks of additional benefits (extending unemployment payments from 26 weeks to 39 weeks). These benefits must be included in annual income. State issued regular payments of unemployment insurance are treated as annual income.

For more information, visit HUD's COVID-19 Q & A page at:

[https://www.hud.gov/sites/dfiles/Housing/documents/HUD\\_Multifamily\\_Corona\\_QA\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/Housing/documents/HUD_Multifamily_Corona_QA_FINAL.pdf)

**(Added 08/10/20)**

**Q18. Are there resources available to help me if I want to enter repayment agreements with my residents affected by COVID-19?**

- A18. Landlords are encouraged to work with residents to help them retain their housing to the greatest extent possible. HUD has provided *Tools for Landlords Impacted by COVID-19* which can be located on the HUD Exchange or at: [https://www.hudexchange.info/resource/6108/tools-for-landlords-with-tenants-impacted-by-covid19/?utm\\_source=HUD+Exchange+Mailing+List&utm\\_campaign=cbff86b69b-8.7.20-CPD-Eviction-Prevention-At-Risk-Tenant&utm\\_medium=email&utm\\_term=0\\_f32b935a5f-cbff86b69b-18668905](https://www.hudexchange.info/resource/6108/tools-for-landlords-with-tenants-impacted-by-covid19/?utm_source=HUD+Exchange+Mailing+List&utm_campaign=cbff86b69b-8.7.20-CPD-Eviction-Prevention-At-Risk-Tenant&utm_medium=email&utm_term=0_f32b935a5f-cbff86b69b-18668905). Tools include how to engage residents to avoid eviction, questions to ask at-risk residents, keys elements to a repayment plan, and templates to use for repayment agreements.

HUD also developed the document, *Tenant Guidance: Rent Repayment Plans*, for residents wishing to work with landlords by entering into a repayment agreement. It can be found at:

<https://files.hudexchange.info/resources/documents/COVID-19-Tenant-Guidance-Rent-Repayment-Plans.pdf> **(Added 08/10/20)**

**Q19. Has PHFA provided protocol/directives regarding property operations?**

- A19. PHFA will not offer guidance on how O/As should perform property operations. Please refer to guidance from the resources listed below or contact your attorney.

Also, please visit the following links from the Secretary of the Pennsylvania Department of Health regarding building safety measures and public health safety measures.

<https://www.governor.pa.gov/wp-content/uploads/2020/04/20200405-SOH-Building-Safety-Measures.pdf>

<https://www.governor.pa.gov/wp-content/uploads/2020/04/20200415-SOH-worker-safety-order.pdf>

**(Answer 19, continued)**

PHFA created a document called *Guidance for Rental Residents Affected by COVID-19*. It was provided to owners/agents to distribute to residents and can be found at [https://www.phfa.org/forms/multifamily\\_news/news/2020/guidance\\_for\\_residents.pdf](https://www.phfa.org/forms/multifamily_news/news/2020/guidance_for_residents.pdf).

The Housing Alliance has developed a handy Landlord Tool-Kit to provide templates and resources to landlords as they face the possible loss of rental income.

The toolkit includes:

1. The template of a letter to be sent to tenants describing ways in which they are reacting to COVID-19 and what their process will be when working with tenants
2. A rental repayment plan template;
3. Fact sheets on the recent moratoriums for evictions and utility shutoffs; and
4. Other resources for both landlords and tenants.

The tool-kit may be found at [https://housingalliancepa.org/wp-content/uploads/2020/04/COVID-19\\_Landlord\\_Tool-Kit.pdf](https://housingalliancepa.org/wp-content/uploads/2020/04/COVID-19_Landlord_Tool-Kit.pdf) (Updated 5/6/20)

**Q20. Will PHFA postpone or delay a desk review if staff is currently telecommuting to reduce risk for their tenants?**

A20. PHFA staff will work with properties to the greatest extent possible while adhering to required rules, regulations, and contracts.

**Q21. Does the temporary moratorium on eviction filings apply to Section 42 housing? I was told that "(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)))" includes Section 42 developments?**

A21. The provision does apply to Low Income Housing Tax Credit properties since they are subject to the requirements of the Violence Against Women Act.

**Q22. Where can I get current COVID-19 information on HUD funded properties?**

A22. Visit HUD's COVID-19 Information and Resources page at <https://www.hud.gov/coronavirus>.

**Q23. Where can I find the Questions and Answers for HUD's Office of Multifamily Housing Stakeholders?**

A23. The HUD website is frequently updated and may be found at [https://www.hud.gov/sites/dfiles/Housing/documents/HUD\\_Multifamily\\_Corona\\_QA\\_FINAL.pdf](https://www.hud.gov/sites/dfiles/Housing/documents/HUD_Multifamily_Corona_QA_FINAL.pdf).

The Q & A clarifies that the CARES Act's temporary payments are not included in the calculation of resident income. This includes the Economic Impact Payment and the temporary weekly unemployment enhancement. Regular unemployment insurance payments are treated as income, per standard program rules.

The FAQs also provide clarification that agents can use operating account funds for reasonable and necessary COVID-19-related supplies, including masks and gloves for both staff and residents. It can also be used for COVID-19 related staff hours and overtime. **(Updated 5/6/2020)**

**Q24. If an owner receives forbearance on their property's loan payments as a result of the CARES Act, are there any tenant protections that must be implemented?**

A24. The HUD Mortgagee Letter 2020-09, dated April 10, 2020; Subject: Implementation of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Forbearance offers the following guidance for all FHA approved multifamily mortgages:

**Renter Protections During Forbearance**

A multifamily borrower that receives forbearance, pursuant to Section 4023 of the CARES Act may not, for the duration of the forbearance:

1. evict or initiate the eviction of a tenant from a dwelling unit located in or on the applicable property solely for nonpayment of rent or other fees or charges; or
2. charge any late fees, penalties, or other charges to a tenant described in (1) for late payment of rent.

In addition, a multifamily borrower that receives forbearance pursuant to Section 4023 of the CARES Act may not:

3. require a tenant to vacate a dwelling unit located in or on the applicable property before the date that is 30 days after the date on which the borrower provides the tenant with a notice to vacate and,
4. issue a notice to vacate under paragraph (1) until after the expiration of the forbearance.

In addition, Section 4024 of the CARES Act states that during the 120-day period beginning on the date of enactment of the CARES Act, the lessor of a covered dwelling may not:

1. make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or
2. charge fees, penalties, or other charges to the tenant related to nonpayment of rent.

**(Updated 4/16/20)**

**Update:** The Federal Housing Finance Agency announced on August 6, 2020 that multifamily property owners with Fannie Mae or Freddie Mac mortgages who enter into a new or modified forbearance agreement must inform tenants *in writing* about tenant protections during the owner's forbearance and repayment periods.

During the forbearance period, owners must agree not to evict tenants solely for the nonpayment of rent. Other tenant protections include:

- Must give tenants at least a 30-day notice to vacate;
- Cannot charge tenants late fees or penalties for nonpayment of rent; and
- Must allow tenants the flexibility to repay back rent over time and not in a lump sum.
- Must notify tenants that they cannot be evicted for nonpayment of rent due to the pandemic.
- Should advise tenants that if they are able to pay their rent, they should continue to do so.

More information can be found at the FHFA website at:

<https://www.fhfa.gov/Media/PublicAffairs/Pages/Multifamily-Property-Owners-in-Forbearance-Now-Required-to-Inform-Tenants-of-Eviction-Suspension-and-Tenant-Protections.aspx>

**(Updated 8/6/20)**

## **Financial Operations**

**Q25. What is the best way to contact my financial analyst?**

A25. Contact your financial analyst by email for the fastest response. They are monitoring emails regularly:

Andrea Biller	<a href="mailto:abiller@phfa.org">abiller@phfa.org</a>
Abena Dufie	<a href="mailto:adufie@phfa.org">adufie@phfa.org</a>
Tram Le	<a href="mailto:tle@phfa.org">tle@phfa.org</a>
Lilia Putt	<a href="mailto:lputt@phfa.org">lputt@phfa.org</a>

If you do not know who your financial analyst is, please contact Kurt Livering at [klivering@phfa.org](mailto:klivering@phfa.org).

**Q26. Will PHFA extend the deadline to submit year-end December 31, 2019 audited financial statements?**

A26. Yes, the deadline has been extended from April 30 to May 30, 2020. **(Updated 4/16/20)**

**Q27. Will PHFA waive billings for soft PHFA mortgages (PennHOMES, Home, HRA, TCAP, PHARE)?**

A27. PHFA will not bill for soft mortgages unless a request for return is made by the owner.

**Q28. Is PHFA still processing payments for tax bills and insurance premiums?**

A28. PHFA is making payments two times a week. Please send all tax bills, via email, to your financial analyst. Insurance premiums should be sent, via email, to Olga Mercado - [omercado@phfa.org](mailto:omercado@phfa.org).

We are urging you to sign up for Automated Clearing Housing (ACH) payments. This will allow us to expedite payments and reimbursements.

Please contact Tram Le at [tle@phfa.org](mailto:tle@phfa.org) to obtain a copy of the ACH sign-up form. The form needs to be completed and sent back, via email, to Tram Le. In addition to the form, you must include **one** of the following items: voided check, deposit slip, or a letter from the bank. These documents will be used to verify the bank account information listed on the form.

**Q29. We are hoping that the property does not suffer financially if tenants do not pay rent. Can money from reserves be used to cover operating costs?**

A29. PHFA will look at these requests on a case-by-case basis. Please contact your financial analyst with any questions.

**Q30. What Housing project loans are eligible for forbearance requests under the CARES Act?**

A30. Only covered loans made in whole or in part, or *insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government* or under or in connection with a *housing or urban development program* administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the *Federal Home Loan Mortgage Corporation* or the *Federal National Mortgage Association*. These would include loans insured by Fannie Mae, Freddie Mac, HFA, and USDA. Loans on LIHTC properties would not generally be covered unless the loans were covered under a federal guarantee. **(Updated 4/16/20)**

**Q31. Is PHFA offering any financial assistance on properties experience financial difficulties caused by the Coronavirus?**

A31. The Agency will be glad to work with you to address any financial hardships caused by the Coronavirus. Please contact the financial analyst assigned to your property or Kurt Livering at [klivering@phfa.org](mailto:klivering@phfa.org) to discuss options available to assist with your cash flow problems. You can find additional information on our website at <https://www.phfa.org/mhp/> (Updated 5/5/20)

## Housing Services

**Q32. Can I still reach my Housing Services Representative?**

A32. Yes, contact your HSR by email for the fastest response:

Alicia Spencer	<a href="mailto:aspencer@phfa.org">aspencer@phfa.org</a>	Lisa Scott	<a href="mailto:lscott@phfa.org">lscott@phfa.org</a>
Dawn Bartha	<a href="mailto:dbartha@phfa.org">dbartha@phfa.org</a>	Amanda Stengel	<a href="mailto:astengel@phfa.org">astengel@phfa.org</a>
Tawanda Peterson	<a href="mailto:tpeterson@phfa.org">tpeterson@phfa.org</a>		

**Q33. How do I reach other members of the HS Department?**

A33. Please contact Gelene Nason, [gnason@phfa.org](mailto:gnason@phfa.org) for information on the status of our various initiatives. She will direct your inquiry.

**Q34. What are properties doing about on-site resident service coordinator committed hours?**

A34. Please contact your owner/management agent for instructions. We have heard from several properties that are making the resident service coordinator available via phone and/or email to assist residents.

**Q35. Can I expect a site visit in the near future from my HSR?**

A35. We are currently working on developing procedures to address this. Right now, all physical on-site visits have been put on hold.

**Q36. What if I have an updated Supportive Services Plan due in the next 3 months?**

A36. Contact your HSR to request an extension, if necessary.

**Q37. What is the status of the MAH Conference?**

A37. PHFA recently decided to reschedule this year's conference with a new date of **July 20-July 22, 2021 at the same location, Seven Springs. Please stay tuned for more information.**

## Contract Administration (Section 8 and Section 811 PRA)

Best way to reach us:

### General Contract Administration

Linda Demmi

[ldemmi@phfa.org](mailto:ldemmi@phfa.org)

### Voucher Processing

Peggy Snyder

[psnyder@phfa.org](mailto:psnyder@phfa.org)

Tammy Frye

[tfrye@phfa.org](mailto:tfrye@phfa.org)

Stephanie McCauslin

[smccauslin@phfa.org](mailto:smccauslin@phfa.org)

Connie Antes

[cantes@phfa.org](mailto:cantes@phfa.org)

Debra McHugh

[dmchugh@phfa.org](mailto:dmchugh@phfa.org)

Britney Fritz

[bfritz@phfa.org](mailto:bfritz@phfa.org)

### Special Claims Processing

Monique Snyder

[msnyder@phfa.org](mailto:msnyder@phfa.org)

Jacquelynne Howard

[jhoward@phfa.org](mailto:jhoward@phfa.org)

### Section 811 Property owners and agents

Kristen Nagel

[knagel@phfa.org](mailto:knagel@phfa.org)

### Service Agencies working with Section 811

Reg Hsg Coords

[811@sdhp.org](mailto:811@sdhp.org)

**Q38. How should I submit my special claims for processing and approval?**

A38. Owners and Agents should submit their special claims in accordance with the Guidelines for Paperless Claim Submission located at [https://www.phfa.org/forms/section8/special\\_claims/ca-guidelines-submitting-paperless-claim.pdf](https://www.phfa.org/forms/section8/special_claims/ca-guidelines-submitting-paperless-claim.pdf).

**Q39. Is it ok to send my special claim in the mail instead of sending it via email?**

A39. Since PHFA staff is working remotely due to the COVID-19 virus, it is best to send your special claims through email using the instructions in the Guidelines for Paperless Claim Submission located at [https://www.phfa.org/forms/section8/special\\_claims/ca-guidelines-submitting-paperless-claim.pdf](https://www.phfa.org/forms/section8/special_claims/ca-guidelines-submitting-paperless-claim.pdf). Sending your special claim through the mail may delay processing your special claim.

**Q40. I need to submit a new 1199a form to PHFA to receive my HAP payment electronically. How do I submit it?**

A40. Please submit your completed 1199a form and a void check to Kim Izer - [kizer@phfa.org](mailto:kizer@phfa.org).

**Q41. Is annual recertification required to be completed during this time?**

A41. Families residing in properties that participate in one of HUD's Office of Multifamily Housing assisted housing programs must have their income reviewed at least annually to determine the amount paid by the family for the assisted unit. Owners and agents must continue to perform annual and interim recertifications, as requested by tenants, within the required timeframes and using current/anticipated data.

Considering the current COVID-19 emergency, there may be extenuating circumstances that impede owners and tenants from complying with interim and annual recertification requirements. When the use of traditional procedures is not possible, the extenuating circumstance instructions provided in this document, HUD Handbook 4350.3, REV-1, and the 202D MAT Guide should be used. HUD considers the CDC's recommendations for controlling the spread of the virus, as well as shelter-in-place and similar orders, as extenuating circumstances.

Owners should begin, and if possible, complete the recertification actions within 90 days of being advised of an extenuating circumstance. When an extenuating circumstance is present, there is no change to the tenant's recertification anniversary date. The Total Tenant Payment/Tenant Rent and the assistance payment certified during the interim recertification are effective retroactively to the first day of the month following the date the family's income changed.

#### Use of Tenant Self-Certifications for Interim and Annual Recertifications

HUD will allow assisted tenants that may have lost income due to COVID-19 to self-certify for annual or interim recertifications. When self-certification is used, owners must document the tenant file to explain why third-party verification was not available. During the COVID-19 National emergency, this certification can be provided to the owner by other means such as mail or email. When obtaining documents by email, owners may consider utilizing guidance in Notice H 20-4 when state and local laws permit, in obtaining electronic signatures and documents from tenants.

Acceptable methods of income verification for all recertifications, in order of acceptability, are provided in HUD Handbook 4350.3, REV-1, paragraph 5-13, B and Appendix 3.

**(Answer 41, continued)**

**Signatures**

Notice H 20-4, issued on May 26, 2020, provides new guidance on the use of electronic signatures and the transmission and storage of electronic documents related to OAMPO's asset management, Section 8 contract renewal, and occupancy policies. Any such forms and documents that comply with HUD guidelines may be signed, transmitted, and stored electronically. HUD encourages industry partners to consult with legal counsel about applicable state and local laws regarding the use of electronic signatures. Please review Housing Notice H 20-4.

During the COVID-19 National Emergency, HUD will allow owners who prefer not to adopt the flexibility provided by Notice H 20-4 to continue to accept alternate signatures (e.g., copies or images of signatures sent by email, fax, or other electronic means) as long as original, "wet" signatures are obtained within 90 days from the termination of national, state, or local orders restricting movement to essential activities, whichever comes later.

**Documentation for Certifications**

Tenants experiencing extenuating circumstances due to COVID-19 can provide the owner with documentation for the recertification. With the publication of Notice H 20-4, tenants can provide this documentation by email or other electronic delivery at the owner's discretion when state and local laws permit.

Documentation includes, but is not limited to, paystubs, Social Security (SS)/Supplemental Social Security (SSI)/State Supplemental Program (SSP) awards, bank statements, and public assistance documents. Documents containing or conveying personally identifiable information (PII) must be encrypted or transmitted in a secure manner to safeguard this information. Refer to Housing Notice H20-4 for more information on transmitting documents containing PII.

**Tenant Rental Assistance Certification System (TRACS)**

When an extenuating circumstance is present due to COVID-19, the owner must submit the Interim Recertification (IR) or Annual Recertification (AR) to the TRACS (via the Contract Administrator or directly to TRACS, as appropriate) using one of the following three extenuating circumstances codes:

- 1: Medical (medical staff have quarantined the tenant)
- 2: Late annual certification due to accommodation or extenuating circumstances
- 10: Other A correction certification to remove the extenuating circumstance code must be submitted to TRACS once the appropriate signature(s) is obtained on form HUD-50059.

**(Updated 09/02/20)**

**Q42. *Is it acceptable to communicate with residents by email, text, or resident portal?***

A42. Yes, however, consider the security of personally identifiable information (PII), sensitive personally identifiable information (SPII), and other personal information when doing so.

**Q43. *Are residents required to report changes to income and/or household composition?***

A43. Yes, residents are required to report changes and interim recertification must be completed.

**Q44. *Is interim recertification required at this time?***

A44. Yes, if residents report changes that require an interim recertification, an interim recertification must be completed.

**Q45. Are Economic Impact payments reportable as household income?**

A45. The Economic Impact Payment (which is technically an advance payment of a tax credit that may be claimed on a 2020 tax return) provided by the CARES Act is not to be included in the calculation of tenant income.

**Q46. Is unemployment compensation identified by the CARES Act reportable as tenant income?**

A46. Section 2102: Pandemic Unemployment Assistance (PUA). This is an unemployment benefit for individuals who are self-employed, seeking part-time employment, or whom otherwise would not qualify for regular unemployment insurance (UI). HUD has determined that PUA benefits must be included as annual income.

- Section 2104: Federal Pandemic Unemployment Compensation (FPUC) program. This program provides eligible individuals who are collecting certain UI benefits, including regular unemployment compensation to receive an additional \$600 in federal benefits per week for weeks of unemployment ending on or before July 31, 2020. HUD has determined that FPUC benefits meet the definition of temporary income and must NOT be included in annual income.

- Section 2107: Pandemic Emergency Unemployment Compensation (PEUC) program. This program provides an extension to regular unemployment insurance benefits for eligible individuals, allowing them to receive up to 13 weeks of additional benefits (this extends UI from 26 weeks to 39 weeks in total). HUD has determined that PEUC benefits must be included in annual income.

HUD also notes that regular payments of unemployment insurance (issued by the state) are treated as annual income according to existing HUD policy. **(Updated 09/02/2020)**

**Q47. What is the status of PBCAs conducting MORs?**

A47. Effective May 22, 2020, HUD has lifted the suspension of MORs performed by PBCAs in locations where there are no restrictions by state or local law or ordinance to prevent them from performing these reviews. This supplemental guidance additionally establishes an alternative manner in which a MOR may be conducted.

- HUD will, until September 30, 2020 (or such later date as HUD may determine), allow PBCAs to conduct on-site MORs, without entering resident units.

- For REAC follow-up, in determining whether Exigent Health & Safety (EH&S) and other deficiencies have been corrected, the PBCA must attempt follow-up on those affected units via contact directly with the resident by way of phone or email and document the results or attempt(s) made on the MOR report.

- A physical on-site visit to the property must still occur to document the physical conditions, general appearance, and security of the property, and the visit should include a visual assessment of each building, including the common areas, and the grounds of the property.

- An on-site, entrance/exit interview with the owner/agent should occur, except in instances where state or local law or ordinances prevent such meetings. In instances where these interviews are prohibited from occurring on-site, they should be conducted by telephone or email and documented as such in the MOR Report.

- Tenant file reviews may be conducted remotely when owners/agents voluntarily create and transmit electronic tenant files to the PBCA in accordance with all requirements of Office of MFH Programs COVID-19 Q&A 18 Notice H 2020-4. Personally identifiable information (PII) must be encrypted or transmitted and stored in a secure manner to prevent its release. Violations of the Privacy Act may be subject to fines up to \$5,000. Owners/agents and reviewers must comply with EIV Data Sharing Agreements to prevent any prohibited use of or access to EIV records.

**(Answer 47, continued)**

PBCAs must continue to conduct MORs in accordance with their approved workplans regardless of owners' willingness to provide electronic tenant files.

All other portions of the MOR, including the Desk Review and On-site Review, including the review of tenant files, must be completed in their entirety. **(Updated 09/02/2020)**

## **Tax Credit Compliance**

**Q48. What is the best way to contact LIHTC compliance staff during the COVID-19 office closure?**

A48. All LIHTC compliance staff continue to work remotely, but they can still be contacted through their email or work phones. Staff will continue to answer messages left using either method. If you are not aware of who your compliance staff member is, please contact Kathy Esworthy at [kesworthy@phfa.org](mailto:kesworthy@phfa.org).

**Contacts for properties located in:**

Region 1:	Maryellen Schenck	<a href="mailto:mschenck@phfa.org">mschenck@phfa.org</a>
Regions 2 & 3:	Kristen Kasi	<a href="mailto:kkasi@phfa.org">kkasi@phfa.org</a>
Regions 4, 5 & 6:	Steven Crummel	<a href="mailto:scrummel@phfa.org">scrummel@phfa.org</a>
Web Entry System:	Malika Jiwanji	<a href="mailto:mjiwanji@phfa.org">mjiwanji@phfa.org</a>

**Q49. How do we meet recertification deadlines when we are unable to get supporting third-party documentation?**

A49. On July 1, 2020, IRS Notice 2020-53 was published and suspends the owner requirement to perform certifications of a tenant's annual income. As owners are not required to obtain third party documentation of income and assets for tenant income certifications, as due for the period beginning April 1, 2020 and ending December 31, 2020, owners are asked to utilize the PHFA Alternate Certification form; if they choose to take advantage of the suspension. The use of the Alternate Certification form will signal the absence of third-party documentation, and at the same time assist the owner in certifying to student status and rents (which remain requirements of the LIHTC Program.) **(Updated 09/02/2020)**

**Q50. Will recertification deadlines be extended?**

A50. No, but the recertification process has been simplified by the publication of the IRS Notice 2020-53 on July 1, 2020; which suspends the requirement to obtain third party documentation.

**Q51. Are electronic signatures permitted by the LIHTC Program?**

A51. Yes. Electronic signatures are permitted for many documents: Applications, Tenant Releases for Verification, Third Party Documents, Leases, Lease Addendum.

\*The IRS added TICs to the documents allowed electronic signatures, as of 06/05/2020

**(Updated 06/08/2020)**

**Q52. Is it permissible for common areas to be temporarily closed due to current circumstances?**

A52. On July 1, 2020, IRS Notice 2020-53 was published and allowed for the temporary closure of property amenities and/or common areas during the period from April 1, 2020 to December 31, 2020; without resulting in a reduction of the eligible basis of the building.

**(Updated 07/01/2020)**

- Q53. Is it permissible for a project to temporary house essential workers, during the current crisis?**  
A53. On July 1, 2020, IRS Notice 2020-53 was published and allowed medical personnel, and other essential workers providing services during the COVID-19 pandemic, to temporarily occupy LIHTC units in accordance with the emergency housing provisions of IRS Revenue Procedures 2014-49 and 2014-50. **(Updated 07/01/2020)**

## **Technical Services**

The operational status and procedures for Technical Services has not changed from the guidance set forth in the notification of Friday, March 13.

## **Development Division**

**Q54. What is the best way to contact someone in PHFA's Development Division during the COVID-19 office closure?**

- A54. While PHFA's physical offices are closed, PHFA staff are working remotely from home and can be contacted by email and phone (on their office line) with a preference for email. Please contact the Development Officer assigned to your project with any question or concerns you may have. Development questions can be directed to Debra Clark at [dclark@phfa.org](mailto:dclark@phfa.org) and Tax Credit questions can be directed to Michelle Lugo at [mlugo@phfa.org](mailto:mlugo@phfa.org).

**Q55. How should documents be submitted to the Agency during this period?**

- A55. Please continue to submit documents in the form requested – email or hard copy. The Agency continues to maintain a mail delivery schedule and is accepting physical delivery through the United States Postal Service, UPS and Federal Express. While we prefer a number of submissions to be in hard copy format, please contact your Development Officer or other Agency staff in advance of sending in hard copies as, in some cases, we may accept a soft copy in lieu of the physical submission. The Agency will continue to only accept Placed in Service Packages and Construction Related Documents (plans and specifications) in hard copy.

**Q56. While the Agency has extended the closing of May 31, 2020 deadline for developments which were awarded Low Income Housing Tax Credits and loan funding (PennHOMES, PHARE RTT and HTF and first mortgage financing) in July 2019, has the Agency extended the December 31, 2021 placed in service deadline?**

- A56. Multifamily staff, Development, Technical Services and Housing Management, continue to work with 2019 developments moving forward to closing. We understand that some properties may be delayed as they await municipal approvals (such as land development plan or funding commitments) or completion of certain activities that can only occur after the lifting of governmental orders affecting their business. Please work with your Development Officer to confirm continued compliance with other requirements of the Reservation Letter, such as maintaining valid site control.

Please be advised that, pursuant to Revenue Procedure 2014-49, the Agency is extending the 10% test deadline for Program Year 2019 Developments which received an Allocation of 2019 Tax Credits. Developments which received a 2019 Allocation of Tax Credits, and continue to hold an Allocation of 2019 Tax Credits which requires the Taxpayer to incur more than 10% of development's reasonably expected basis no later than October 25, 2020, will be granted a 6 month extension. Developments will now have until April **25, 2021** to meet the 10% test.

**(Answer 56, continued)**

Additional guidance regarding the extension to the 10% test due date can be found at [https://www.phfa.org/forms/multifamily\\_news/news/2020/pa\\_lihtc\\_relief\\_pursuant\\_to\\_revproc\\_2014\\_49.pdf](https://www.phfa.org/forms/multifamily_news/news/2020/pa_lihtc_relief_pursuant_to_revproc_2014_49.pdf)

2019 Developments which received a forward commitment of 2020 Tax Credits should receive, by email, a draft Carryover Agreement for the 2020 Tax Credits by Friday, April 17, 2020. The 2020 Carryover Agreement for these properties requires demonstration of the 10% test by **April 25, 2021**.

At this time, the Agency is not extending the placed in service deadline of December 31, 2021 for Program Year 2019 Tax Credit recipients. Please continue to check our website for additional program guidance. **(Updated 5/6/20)**

**Q57. When will developments with a conditional forward commitment of 2020 tax credits receive a 2020 Carryover Agreement, and when will they be required to return it with the Carryover Part 1 requirements?**

A57. The Agency will be forwarding the 2020 Carryover Agreements with detailed instructions including deadlines by April 17, 2020. We recommend that, in anticipation of receipt, you proceed with assembling the Part 1 requirements, which can be accessed at the attached link.

[https://www.phfa.org/forms/multifamily\\_application\\_guidelines/2019-crryvr-a-att.pdf](https://www.phfa.org/forms/multifamily_application_guidelines/2019-crryvr-a-att.pdf) **(Updated 4/16/20)**

**Q58. Will PHFA be extending the 4% Tax Exempt program deadlines discussed in the 2020 Tax Exempt Request for Proposals due to the COVID -19 pandemic?**

A58. The Agency currently has no plans to extend or modify the program deadlines discussed in the PHFA 2020 RFP for projects seeking tax exempt financing.

**Q59. When will the Agency make awards to 2020 applications for Tax Credits, PennHOMES and PHARE? Has the timing schedule changed?**

A59. Agency staff continue to evaluate the 2020 applications and we anticipate that Tax Credit, PennHOMES and PHARE awards will be made in August 2020. **(Updated 7/1/2020)**

**Q60. For 4% Tax Exempt Applications, will the Agency be extending the full Underwriting Application date of June 1, 2020.**

A60. The Agency has extended the full Underwriting Application due date to **July 10, 2020** for those developments seeking Tax Exempt Volume Cap in 2020 and has revised certain eligibility criteria for consideration for 2020 volume cap to ensure that developments will be able to close on the bond and equity financing in 2020. Applicants that submitted a Preliminary Application for Tax Exempt Volume will receive, by email, instructions and information related to the submission of the Full Underwriting Application in July 10, 2020. **(Updated 4/16/20)**

**Q61. Will PHFA be extending the Placed in Service deadline for development currently under construction?**

A61. Pursuant to IRS Revenue Procedure 2014-49, the Agency will be extending the Placed in Service date for certain projects awarded Tax Credits in 2018 and under construction. Guidance on the process for seeking an extension can be found at:

[https://www.phfa.org/forms/multifamily\\_news/news/2020/pa\\_lihtc\\_relief\\_pursuant\\_to\\_revproc\\_2014\\_49.pdf](https://www.phfa.org/forms/multifamily_news/news/2020/pa_lihtc_relief_pursuant_to_revproc_2014_49.pdf)

## Helpful Web Links

- <https://www.governor.pa.gov/> - Governor Wolf's office
- <https://www.cdc.gov> - Centers for Disease Control (CDC)
- <https://www.who.int/health-topics/coronavirus> - World Health Organization (WHO)
- <https://www.usa.gov/coronavirus> - COVID-19 resource page at USA.gov
- <https://www.hud.gov/coronavirus> - U.S. Department of Housing and Urban Development.
- <https://www.irs.gov/> - Internal Revenue Service
- <https://www.health.pa.gov/topics/disease/Pages/Coronavirus.aspx> - PA Department of Health.
- <https://www.ncsha.org/covid-19/> - Coronavirus-related information, guidelines, and notices published by state housing finance agencies, the Trump Administration, the CDC, HUD, and other state entities.
- <https://www.pa.gov/guides/responding-to-covid-19/> - PA Department of Health.  
<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/Pages/default.aspx> - PA Department of Education guidance on COVID-19, including where to access free meals for children.
- <https://www.dli.pa.gov/Pages/default.aspx> - For workers impacted by COVID-19, including workers compensation.
- <https://www.uc.pa.gov/Pages/default.aspx> - To apply for unemployment benefits.
- <https://www.hhs.gov> - PA Department of Health and Human Services (to apply for benefits).
- <https://www.compass.state.pa.us> - COMPASS is an online tool for Pennsylvanians to apply for many health and human service programs (apply for benefits)
- <https://www.midpenn.org> – MidPenn Legal Services
- <https://www.thecaap.org/agency-info/pa-community-action-agencies.html> - Community Action Agencies (assistance in counties)
- [PAHousingSearch.com](http://PAHousingSearch.com) - assistance with finding housing