



COVID-19 INTERIM RESPONSE Q&A

In response to COVID-19, the National Council of State Housing Agencies (NCSHA) has compiled a list of recommendations for the IRS and Congress to adopt regarding the LIHTC program and administration.

Through the below set of questions and answers, the Housing Finance & Development Division seeks to provide extensions to internal deadlines, while managing federal requirements until guidance is received by the IRS and Congress.

LAST UPDATED: March 30, 2020 7:30pm

Q. Does DCA have any insight into how the State Government will consider LIHTC housing professionals, specifically if they are going to be considered essential service personnel?

- A. DCA's LIHTC partners (owners, management companies, etc) should consider national, state and local guidance to determine the definition of essential services. DCA considers the health and safety of residents to be of the utmost importance. While urgent and emergency repairs are unavoidable, staff should practice safety precautions and have access to protective wear and equipment.

Q. What is the latest update on construction and inspection activities impacted by the shelter in place order for the City of Atlanta

- A. City of Atlanta Announcement -- Construction May Continue and 3rd Party Inspections Acceptable:

–Tim Keane, Commissioner of the Atlanta Department of City Planning, issued an update on March 24 related to construction and inspections within Atlanta city limits. That message is below:

Statement from the Department of City Planning,

March 24, 2020

In the City of Atlanta, construction is one of the essential businesses exempt from the Mayor's "Stay at Home" Executive Order of March 23, 2020. Therefore, construction within the corporate city limits may continue.

In response to Governor Kemp's March 20, 2020 Executive Order entitled Reducing Regulations to Assist the State's Response to the Spread of COVID-19, the City of Atlanta is accepting private, third-party

inspections. Submittal of such inspections can be sent to 3rdpartyinspection@atlantaga.gov. Please enter "3rd Party Inspection Request" in the subject line for immediate attention.

The City of Atlanta has the right to review these submittals in accordance with applicable regulatory requirements and determine whether the inspection report is complete and/or if the inspection itself is adequate. The City will respond regarding its review within the time frame set out by state law. This practice will be in effect as prescribed by the Governor's order.

Q. Has there been any change to mail services at DCA?

- A. Staff in the Housing Finance & Development Division and Historic Preservation Division are currently teleworking. Limited staff are in office to maintain daily functions. If packages are mailed to either office, please do not request a receipt signature so that in-person contact during mail delivery is limited.

Q. During this uncertain time, can we utilize a one-page lease renewal form, instead of signing a whole new lease with our tenant?

- A. The one-page lease renewal would be acceptable if it refers back to the original lease agreements and addendums and does not require the tenant to waive rights from the original lease. Lease renewals must also capture regulatory requirements such as The Violence Against Women's Act (VAWA).

Q. Is DCA willing to provide the software, or should my company add/upload the document into the systems that is in place for application processing?

- A. DCA will not provide software. Owners should use software that satisfies E-SIGN Act and/or Uniform Electronic Transactions Act (UETA) requirements.

Q. As we are looking into DocuSign or some equivalent there are going to be costs associated in processing our files. Are we permitted to charge these "actual costs" to the residents?

- A. Actual cost should not be charged to residents.

Q. Does the suspension of recerts for the specific time frame apply to all housing programs?

- A. The suspension of recertification only applies to a 100% tax credit property.
- Under the DCA HOME program HUD is permitting electronic signature on recertification or interim recertification documents IF the owner obtains an original "wet" signatures on the recertification/interim recertification documents at a later date.
 - HUD further states that tenants can also provide income documentation for the recertification process, (i.e. paystubs, SS/SSI/SSP awards, bank statements, public assistance documents, etc.) by email to the Owner/Agent at their discretion. This approach will allow owners/agents to conduct a temporary recertification using electronic versions of these documents and the owner/agent can collect the original documents from the tenant at a later date.

Also, See the link to DCA Electronic Signature Policy [Electronic Signature](#) published to the DCA website.

Q. Will DCA consider waiving late fees for mortgage payments for properties where a number of Residents are not able to pay rent or paying rent late due to unemployment?

A. DCA will publish guidance on 4/6/20.

Q. Are you looking at offering any other waivers that you have not released that we can know about now?

A. Please continue to visit our compliance website and read our e-mail notices for any policy updates regarding COVID-19 and compliance information.

Q. What is DCA's position if we are unable to turn and lease vacant units due to social distancing restrictions?

A. DCA will not issue findings of non-compliance for the Vacant Unit Rule until further notice.

Q. Has HUD or DCA issued any guidance for Residents who find themselves unemployed and unable to pay rent?

A. Many of the social distancing recommendations and requirements established by various counties, municipalities, and/or local governments have and will continue to significantly impact many of your residents' ability to work and earn income.

As a result, many counties, municipalities, and/or local government agencies have issued recent directives, orders or moratoriums related to legal actions for eviction for non-payment of rent, whether already filed or not. DCA supports these efforts. Although DCA encourages compassion during this unprecedented time, DCA does not have the authority to make this a requirement.

DCA recommends all Owners and Management Companies to consult with their attorneys to ensure any current/future evictions are not in violation of any these recent changes. It is the owner's responsibility to ensure all evictions are compliant to all applicable, legal jurisdictions.

Q. Will DCA postpone the 9% application due date?

A. Yes, the approved application due date is June 18, 2020.

Q. Will DCA consider postponing 9% applications due dates longer than 30 days?

A. DCA will continue to monitor county and city office closures around the state. Housing Finance & Development will make periodic updates, as needed, to the application due date.

Once all counties and cities are fully operational, Housing Finance & Development will provide an appropriate amount of time for the completion of applications and notice of the updated due date.

Q. Does DCA have a position on properties that have expired certifications or are unable to meet certain deadlines?

A. DCA will not issue findings of non-compliance for late or incomplete recertifications for the time frame beginning on March 1, 2020 and going forward, until further notice.

Q. When will DCA begin reviewing requests for PIS extensions? What information needs to be included with a PIS extension request?

- A. Developers that can demonstrate a delay as a result of COVID-19 related delays, can submit a request for an extension. Documentation includes but is not limited to local municipality closures, notice from construction company regarding cessation of work, documented supply delays, etc.

Q. Did the following interim guideline refer to inspections only or to construction altogether? Are we allowed to continue exterior rehab work and vacant unit rehab?

- A. Yes, as long as the local government has not issued a work stoppage as a result of COVID-19, exterior construction and vacant unit renovations may continue.

Q. Can we close our amenities to prevent the spread of Coronavirus?

- A. During this pandemic, Management Companies and Owners have some discretion regarding the access and continued availability of amenities to their residents. Owners and Management Companies should consider the Governor's Executive Order issued March 23, 2020, not to congregate in groups over 10 people. If warranted, restricting access to amenities except laundry facilities, may be necessary.

Q. Does DCA have the expectation for findings to be cured despite social distancing recommendations?

- A. To slow down the spread of COVID-19 and to comply with social distancing requirements, DCA will allow owners to suspend work orders for *non-health and safety* observed during an inspection or as a result of a resident concern. Owners are expected to continue to cure health and safety findings within 24 to 72 hours depending on the level of severity. Future guidance will be given regarding the cure period for non-health and safety findings.

DCA's Housing Finance and Development Division (HFDD) will accept and permit the use of electronic signatures provided that 1) the electronic signature software has the capability to audit or authenticate the signature, and 2) there are no existing restrictions imposed by State or Federal law. A solution such as DocuSign or Adobe software, should be utilized in the signature process to satisfy E-SIGN Act and/or Uniform Electronic Transactions Act (UETA) requirements. See [DCA's Electronic Signature Policy](#) for additional guidance.

Q. Can e-signature be used for all source documents not listed in your policy when determining household eligibility?

- A. DCA strongly encourages due diligence in authenticating source documents particularly for first year move in files. It is ultimately the Owner's responsibility to ensure compliance. Although we do understand administrative burdens due to COVID-19, we do not want to encourage Owners to risk their ability to claim credits.

Q. My property is 100% LIHTC. Will DCA consider unconditional waiver recerts for 100% tax credit properties?

- A. DCA will allow waivers for 100% tax credit properties for the time frame beginning on March 1, 2020 and going forward, until further notice.

Q. Are Developers of acquisition/rehab properties allowed to suspend relocation requirements during this time frame?

A. Under review. See next week's Q&A.