



ASHEVILLE HOUSING AUTHORITY
165 SOUTH FRENCH BROAD AVE.
ASHEVILLE, NORTH CAROLINA 28801

The Housing Authority of the City of Asheville (the “Authority”, “HA”, “HACA”) has requested waivers of the following regulations due to Hurricane Helene.

Justification:

The HACA was hit by Hurricane Helene on Friday, September 27, 2024. Our properties received damage related to falling trees, blowing debris and ultimately the loss of vital services including water, electricity, internet and cell phone services. The staffing necessary to conduct the normal business of the HACA was also disrupted because they experienced the same storm; some staff live in areas that were flooded, where roads were washed away and where they had no cell communication, electric or water. Electricity was not restored for the majority of our residents and staff until the 6th of October. Running water to allow toilets to flush was not restored until this week.

We are asking for the following waivers because we experienced a Presidentially Declared Disaster and anticipate an extended period of recovery to get our properties and business operations fully restored.

The HACA is taking the initiative to hold all evictions through February 1, 2025 and continue to work with our residents to provide support through the recovery period as a measure to avoid tenant displacement. Also, in collaboration with FEMA, and the City of Asheville, residents have been made aware of the relief available when they register with FEMA.

The regulations and associated waivers are as follows:

1. 24 CFR 5.630: **Minimum Rent**

Issue: Minimum rent for the HACA is \$50.00 per month as approved in the 2023 Administrative Plan. Due to the extraordinary circumstances caused by Hurricane Helene, all PBV and HCV households are experiencing financial hardships. Addressing the financial hardship requests one by one will represent an undue administrative burden.

Waiver: Authorize the HA to reduce the minimum rent to all HACA PBV and HCV residents to \$0.00 (zero) for an effective period of October 1, 2024 through January 31, 2025, credit rent received from residents in October to any past due balances or future rent due, and accept self-certification from tenants of their loss of income.



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2. 24 CFR 990.145(b)(2): **Vacant and Uninhabitable Units**

24 CFR 983.352(b): **Allows HAP Payment on Vacant Units**

Issue: Due to the loss of running water, units that were prepared for occupancy will not meet the HQS (NSPIRE) inspection standards for occupancy. The HA opened its PBV waitlist on August 26, 2024 in anticipation of full occupancy by the end of the FY.

Waiver: Authorize the HA to count the vacant units in the PIC count as uninhabitable due to the PDD and calculate the 2025 HAP based on full occupancy.

3. 24 CFR 5.801 (c) and (d)(1): **Uniform Financial Reporting standards, Filing of Financial Reports, Reporting Compliance Dates**

Issue: The HA audit was due on September 30, 2024.

Waiver: Provide the HA with an additional timeline for submission to extend to November 15, 2024.

4. 24 CFR 982.201(e) and 960.259(a) and (c)(1): **Verification of Date of Birth and Disability Status**

Issue: Loss of documentation, inability to provide proof of date of birth of household members or disability status.

Waiver: Authorize the HA to accept self-certification for families impacted by the disaster for birth dates, disability status at the time of admission for up to twelve (12) months for the HCV and PBV (site based) vouchers. The HACA will certify the date of birth and disability status within 90 days after admission.

5. 24 CFR 982.201(e) and 960.259(a)(1) and (2) and (c): **Eligibility Determination, Income Verification**

Issue: Loss of documentation and to prove income verification 60 days prior to voucher issuance for tenant-based vouchers and prior to admission for the project-based voucher program.

Waiver: Authorize the HA to immediately allow self-certification if the family does not have third-party documentation to verify the family's income, assets, expenses, and other factors that would otherwise affect an income eligibility determination. The HACA will



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work with the applicant to receive information verifying that the family is eligible within 60 days following admission of commencement of PBV assistance, respectively. If the HACA determines an ineligible family received assistance, it will take steps to terminate the family from the program.

6. 24 CFR 982.552(c): **Previous Behavior in Assisted Housing**

Issue: Families may be denied housing due to prior EIV Debt owed to the HA or other hurdles that cause them to be unstably housed due to the PDD.

Waiver: Allow the HA to ease admissions policies and allow appeals not allowable in the 2023 Administrative Plan due to EIV debt and criminal background check criteria until January 31, 2025. This waiver will require a payment plan for past due balances upon lease-up.

7. PIH Notice 2011-65: **Timely Reporting Requirements of the Family Report (Form HUD-50058)**

Issue: Ability to submit family reports no later than 60 calendar days from the effective date of any action recorded in line 2b of the form HUD-50058 or HUD-50058-MTW. This waiver includes annual and interim recertifications (reexaminations).

Waiver: Authorize the HA a 90-day extension of the submission of 50058s through January 31, 2025.

8. 24 CFR 5.703(d)(5): **National Standards for the Physical Inspection of Real Estate, Units (NSPIRE)**

Issue: Annual inspections or re-inspections are greatly impacted due to the disruption in business services for our inspection's contractor. It is likely that the inspection schedule will be back on a normal schedule before January 31, 2025.

Waiver: Authorize the HA to extend the window for completing inspections and re-inspections through January 31, 2025.

9. 24 CFR 982.503(c): **HUD Approval of Exception Payment Standard Amount**

Issue: The HA currently has a payment standard of 120% of FMR for our HCV and PBV voucher programs due to the exceptionally high rents in Asheville. The current waiver expires in December of 2024. Including this waiver along with this request will ease the



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administrative burden to the HA and help program participants faced with an even more limited housing supply to obtain housing.

Waiver: Approve the extension of the current payment standard waiver of 120% of FMR through December 31, 2025.

10. 24 CFR 982.633: Homeownership Continued Assistance

Issue: Homeownership assistance may only be paid while the family is residing in the home. Due to the PDD, families may not be residing in the home and may have experienced a loss of income which will constitute a default under the terms of the Homeownership Program.

Waiver: Authorize the HA to continue paying the full subsidy allowable on behalf of the family during the PDD even if they are currently unable to occupy the home, suspend the default provision and allow self-certification of loss of income through January 31, 2025.

11. 24 CFR 982.54: Administrative Plan and 5-Year and Annual Plan/MTW Supplement

Issue: The deadline for submission of the 5-Year and Annual Plan with MTW Supplement is October 17, 2024 and the Administrative Plan shortly thereafter. The HACA has both processes underway, however, the disruption has caused the documents to be delayed. While we are anticipating the completion of the 5-Year documents within the next week, the Administrative Plan will require at least another 3 weeks of public comment to ensure adequate feedback.

Waiver: Extend the due date of the Administrative Plan and the 5-Year and Annual Plan through December 31, 2024.

12. Section 3.3 of the Rental Assistance Demonstration (RAD) Program Guidebook (pg. 19 sec. 3.3): Re-enter HAP Contracts for Contract rent Tenants

Issue: Tenants living in HACA RAD properties, that no longer receive subsidy due to their income exceeding the affordability limits, experiencing a loss of income due to the PDD, are faced with insurmountable rent burdens.



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Waiver: Authorize the HA to add these units back to the contract and allow subsidy to be received until the household is able to regain their economic independence. This will ensure the uniform treatment of resident and units at the Covered Project.

13. Allow Displaced HCV Voucher Holders to move into vacant PBV Units

Issue: HCV voucher holders were disproportionately impacted by the Hurricane because they live in privately held units in areas where more damage was received to property due to Hurricane Helene. The result is a drastic decrease in the available housing stock. Therefore, the HCV voucher holder's ability to utilize their voucher is greatly diminished. Additionally, many landlords are terminating leases because their property is not habitable and tenants are left with no clear timeline or understanding if they will be allowed to return to their units.

Waiver: Authorize the HA to allow HCV voucher holders to move into PBV units. The voucher subsidy for the HCV will be suspended until the housing market stabilizes and the program participant is able to secure a unit in the private market.