

# Housing Choice Voucher (HCV) Programs COVID-19 Cares Act Frequently Asked Questions (FAQs) for Owners

The COVID-19 pandemic presents significant challenges for PHA and our partner HCV Landlords to continue to carry out our mission to provide decent, safe, and sanitary affordable housing for low-income individuals and families in the City of Philadelphia.

PHA's employees, landlords and families face significant difficulties as they comply with critically important advisories and directives from public health professionals, including social distancing and other preventive practices that will slow the spread of COVID-19 and reduce the risk of exposure.

Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) the U.S Department of Housing and Urban Development (HUD) issued administrative relief through waivers allowing for alternative approaches to various aspects of PHA's HCV Operations. This document compiles information and answers to frequently asked questions that are relevant to PHA HCV landlord/owners and property managers.

## 1. CARES Act Eviction Moratorium Restrictions

As part of the (CARES Act) signed into law on March 27, 2020, the federal government has ordered an eviction moratorium until July 25, 2020 that includes all PHA assisted HCV and project-based properties.

### **If Philadelphia's Landlord/Tenant Court opens prior to the July 25th moratorium date can owners file for eviction? Or must owners wait until the federal government eviction moratorium is over?**

Owners, property managers and landlords are explicitly prohibited from filing for a new eviction for nonpayment of rent through July 25, 2020 for all PHA assisted HCV and project-based properties. See Sec. 4024(b)(1) of the CARES Act. Even though owners may have access to file for an eviction in Philadelphia, doing so would violate federal law

### **Can owners send notices to vacate or quit the lease during the moratorium?**

Until July 25, 2020, an owner, property manager, or landlord of PHA assisted HCV and project-based properties is explicitly prohibited from sending a tenant a Notice to Quit or vacate. See Sec. 4024(c)(2). This provision is meant to prevent tenants from self-evicting during the pandemic, which could endanger both the tenant and the community. Sending such a notice would be a violation of federal law.

After July 25, 2020, an owner, manager, or landlord of PHA assisted HCV and project-based properties must provide a tenant with at least 30 days in a Notice to Quit for nonpayment of rent

during the moratorium period. See Sec. 4024(c)(1). The standard form letters that many landlords use that only provide 10 days will not be sufficient.

## **With the eviction moratorium, should owners still send late notices to residents? Or wait until the 120-day moratorium is over?**

An owner may send a reminder notice of the late rent. However, the reminder notice must not include fees/charges for the nonpayment of rent, and the reminder notice cannot be a notice to vacate. After the moratorium expires, owners can proceed with their standard process. Residents cannot be required to vacate for at least 30 days after the end of the moratorium, and an owner cannot issue a notice to vacate until July 24, 2020 (expiration of the moratorium).

## **Can an owner evict for drug abuse and other criminal activity? How about for other lease or program violations, like failure to report income or severe damage to the unit?**

Yes. The eviction moratorium found in Section 4024(b) of the CARES Act only applies to evictions related to nonpayment of rent or nonpayment of other charges to the tenant related to nonpayment of rent. The moratorium also prohibits the charging of other fees, penalties, or other charges due to the nonpayment of rent. Therefore, the owner can still undertake an eviction/termination of assistance action against a tenant for drug abuse and/or other criminal activity, as those are unrelated to nonpayment of rent. The same is true for other lease violations, although HUD and PHA encourage owners to consider delaying the initiation or completion of evictions for non-drug or non-crime related reasons until after state or local emergencies are over.

## **One of my HCV or PBV assisted tenants is behind on rent payments prior to the CARES Act Can an owner still proceed with termination and eviction?**

If the eviction proceeding was initiated before March 27, 2020, the proceeding would not be covered under the CARES Act. However, the Commonwealth of Pennsylvania, HUD and PHA encourage owners to consider delaying the completion of evictions for non-drug or non-crime related reasons until after state or local emergencies are over. If an eviction proceeding was not initiated before March 27, 2020 for a household who was behind on rent, then the household is covered under the CARES Act and the owner cannot initiate a new eviction proceeding until after the moratorium.

## **My tenant was late on rent prior to March 27, 2020, and was charged a late fee in January and February. Can I collect fees for nonpayment of rent that were charged prior to the moratorium?**

Yes, fees that were charged for nonpayment of rent prior to March 27, 2020, may be collected during the moratorium. However, an owner cannot charge new fees for nonpayment of rent from March 27, 2020 – July 24, 2020; an owner cannot assess interest on late fees charged in January and February.

## **During the moratorium, can fees for late payments accumulate and be charged after the moratorium?**

No. Per Section 4024(b)(2) of the CARES Act, fees in relation to nonpayment of rent cannot be charged. Therefore, fees cannot accrue. There should be no charges/fees, or accrual of charges/fees, for rent due the first of the month in April, May, June and July 2020.

## 2. Landlord Management Questions

### Will PHA's Housing Assistance Payments (HAP) be delayed during the COVID-19 pandemic?

HAP payments will not be delayed during the pandemic and will be deposited generally on or about the 1<sup>st</sup> of each month. Please visit PHA's website and the Landlord Data Center for updates: [www.pha.phila.gov](http://www.pha.phila.gov) or [partnerportal.pha.phila.gov](http://partnerportal.pha.phila.gov).

### How should a landlord deal with Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) families that cannot meet their rent obligations due to a loss of income related to COVID-19? What are eviction prevention measures that can be taken?

HCV and PBV families are required to pay their portion of the rent. If their income changes, the HCV and PBV families must contact PHA to request an interim recertification to adjust their portion of the rent payment.

HCV and PBV Families have several options to request an interim or hardship due to loss of income:

- 1) Visit the PHA website and request an Interim or Hardship  
[www.pha.phila.gov/pha-news/pha-news/2020/hardship-waiver-forms.aspx](http://www.pha.phila.gov/pha-news/pha-news/2020/hardship-waiver-forms.aspx)
- 2) Email [clientservices@pha.phila.gov](mailto:clientservices@pha.phila.gov)
- 3) Call the PHA call center at 215-684-4300

### My tenant is due for recertification with PHA and is unable to complete their recertification due to the COVID-19 pandemic. Will I still receive a HAP payment?

HUD is allowing PHA to delay reexaminations for HCV and PBV tenants effective June 2020 for those unable to complete their reexamination due to the COV-19 emergency. HCV will continue to process reexaminations during COVID-19 but will not terminate assistance for tenant non-compliance due to reexamination and will continue to pay HCV owners during the national emergency. Owners may still receive notifications for tenants who are not in compliance.

At a date to be determined once the national emergency is over, HCV will review each delayed reexamination on a case by case basis to determine the official termination date of assistance or the effective date of any new tenant rent portion from a delayed reexamination.

### Can landlords tell a tenant they will not renew the lease?

Under the HCV and PBV programs, there is no requirement to renew the lease. The CARES Act includes a temporary moratorium (120 days) only on evictions for nonpayment of rent, as well as fees and penalties related to nonpayment of rent. An owner's ability to not renew the lease under the tenant-based voucher program does not override additional protections provided to tenants under federal, state and local law.

### Can I ban visitors from my unit or building?

Under the HCV program, including project-based vouchers, owners and property managers should review the lease, state and local laws to determine the permissibility of banning visitors.

## 3. Leasing Questions

### I have a vacant unit ready to rent. Is PHA still accepting vouchers and RFTAs (Request for Tenancy Approval) for new properties?

HCV will accept RFTA's for new properties and may be emailed to: [hcv.leasingdepartment@pha.phila.gov](mailto:hcv.leasingdepartment@pha.phila.gov)

Once approved for occupancy, the Lease and HAP Contract will be sent to owners and property managers via e-mail or U.S. mail for execution and signature with the prospective tenant.

**I was approached by a PHA voucher tenant but the voucher expired? Will PHA still accept the vouchers and RFTA if I complete with the tenant?**

All HCV vouchers issued on January 1, 2020 and after will not be cancelled during the pandemic and are still valid. The voucher holder does not need to request an extension from PHA and owners may complete the RFTA with the tenant and submit to [hcv.leasingdepartment@pha.phila.gov](mailto:hcv.leasingdepartment@pha.phila.gov)

#### **4. HQS Inspection Questions**

**Is PHA conducting inspections during the COVID-19 pandemic?**

Until further notice, PHA is ONLY conducting Initial Inspections for new unoccupied HCV units. All regular HCV HQS inspections of tenant occupied units under contract with PHA will be postponed.

**What if I need an Initial Inspection?**

If a RFTA has been submitted and approved by PHA, the HCV Inspections Department will contact the owner to schedule an initial inspection. If you need to reschedule an initial inspection that previously failed for repairs please email [hcvinspections@pha.phila.gov](mailto:hcvinspections@pha.phila.gov)

**What if my HCV or PBV unit is due for a regular biennial inspection?**

HUD is allowing PHA to delay biennial inspections for both tenant-based and PBV units. All delayed biennial inspections must be completed as soon as reasonably possible, but no later than October 31, 2020. PHA will contact owners and tenants via mail when the inspection will be rescheduled.

**What does a landlord need to do if notified by PHA that a unit requires emergency or life-threatening repairs (as reported by the family)?**

HUD is allowing PHA to temporary delay inspections for tenant reported emergency violations due to COVID-19. In lieu of conducting an HQS inspection of an occupied unit a temporary alternative procedure has been established:

- If a tenant contacts HCV for an emergency repair, the HCV Inspections Department will contact the owner/property manager to correct the violation
- The owner may provide invoices, receipts, video or picture verification of the repair and send via email to the HCV inspections department for review: [hcvinspections@pha.phila.gov](mailto:hcvinspections@pha.phila.gov), please include the unit address in the subject line
- If an owner is non-responsive to the HCV Inspection inquiry, HCV will place the owner's HAP payment on abatement hold until the reported violation(s) are cured.

**My unit is on abatement due to a failed inspection prior to the COVID-19 pandemic. What does a landlord need to do to restore HAP payments?**

- The owner may provide invoices, receipts, video or picture verification of the repairs and send via email to the HCV inspections department for review: [hcvinspections@pha.phila.gov](mailto:hcvinspections@pha.phila.gov), please include the unit address in the subject line of the email
- The Inspections Department will review and respond with further instructions if required.