

To: Property Owners/Managers

Compliance Memorandum: 20-03

From: Jennifer Henderson, Director
Planning and Housing Development Division

Date: March 23, 2020

RE: Inspection and Monitoring Protocol Updates in Response to COVID-19

North Dakota Housing Finance Agency (NDHFA) is aware of and is monitoring the COVID-19 situation in North Dakota. In response to concerns related to the virus, the agency has implemented the following protocol for inspections and monitoring of Low-Income Housing Tax Credit, Housing Trust Fund, Housing Incentive Fund, Neighborhood Stabilization Program, FDIC Affordable Housing Program, Rural Rehab Loan Program, Rural Housing Investment Incentive Pilot Program and Law Enforcement Pilot Program properties.

Affordability/Compliance Period Physical Inspections and File Monitoring (As of 3/18/2020)

- Physical inspections will be postponed until further notice.
- Tenant file review will continue to be conducted electronically using secure upload options provided in review requests.

Annual Owner Certification/Annual Desk Review Requests (As of 3/18/2020)

- There will be no interruption in reviewing 2019 Annual Owner Certifications and Annual Rental Compliance Reporting.

Resident Certifications (Updated 03/23/2020)

- Utilizing tenant provided documents regarding income and assets is acceptable when a third party is not an option due to COVID-19 shutdowns. Tenants can provide documents electronically or via mail.
- If a tenant provided document is not readily available, last recourse is utilizing self-certifications. This is not recommended for initial occupancy.
- Utilize annual social security benefit award letters or "received" date stamps to prolong the life of verification; document the file accordingly and include COLA increase as necessary.
- Allow scanned or photocopied documents to be submitted for verifications as a temporary bookmark in the file. When threat subsides, obtain original document.
- Move-in certifications and annual recertifications may be completed electronically with the following requirements.
 - Content may be entered electronically by residents on certification forms.
 - Signatures by residents and management on certification forms, including the Tenant Income Certification (TIC), may be completed electronically as long as each signature is authenticated and date- and time-stamped by the software. A TIC that completes the authenticated date- and time-stamped requirement is available on our website under [LIHTC Rental Compliance Forms](#)
 - Typed and unauthenticated signatures are not permitted.

- If tenants are unable to provide signatures in the authenticated date- and time-stamped software, notate the file appropriately as to why signatures are unavailable and obtain at soonest availability.
- If available, you may want to consider using building drop boxes in the interim.

Evictions (03/23/2020)

- While NDHFA has not received any guidance with regard to the moratorium on evictions, a reminder that evictions for other than good cause are prohibited. Follow the guidance and prohibitions of your local area.

Utility Allowances (03/23/2020)

Utility allowances are still required to be updated annually.

Income and Rent Limits (03/23/2020)

NDHFA is anticipating that U.S. Department of Housing and Urban Development (HUD) will release new income limits on or around April 1, 2020. If there is a delay, NDHFA will publish the updated limits as soon as the information is released by HUD.

Other Federal Laws (03/23/2020) At this time, NDHFA is not aware of any waivers of the requirements of the Federal Fair Housing Act, the Violence Against Women Act, Section 504 of the Rehabilitation Act or the Americans with Disabilities Act. Your property must continue to make reasonable accommodations and process transfer requests related to disabilities or VAWA protections.

Vacant Program Units (03/23/2020) Vacant program units must still be leased to qualified households. At this time, there is no relief to use program units for any other purpose, even if related to COVID-19.

Occupancy Standards (03/23/2020) We have received several inquiries on whether Management Companies of LIHTC properties can modify or relax their occupancy standards and policies on overnight guests so that tenants can better respond to their family needs related to stable temporary housing.

To the extent that the policies are addressed in your current Tenant Selection Plan, lease or house rules, NDHFA has no objection to the relaxing of this standard on a temporary basis (not to exceed 120 days), since these issues do not impact LIHTC eligibility. However, properties do need to be mindful of local ordinances, the requirements of their investors and other lenders, as well as guidance issued by the CDC related to the current crisis.

We recognize the challenge property owners and landlords find themselves in trying to balance tenant and applicant requests for flexibility while being mindful of protecting their residents and staff.

NDHFA staff are accessible at this time. Email communication via our general account, hfainfo@nd.gov, or directly to staff is the most effective method to reach us with questions or concerns.

HUD has published a guide, <https://www.hud.gov/coronavirus>, for Public Housing, Housing Choice Voucher, and Project-Based Voucher Program and Native American Programs and the Office of Multifamily Housing. Even if your program is not specifically related to the programs listed, the general information is valuable to any affordable housing project.

We encourage you to work with your tenants to communicate processes of ensuring health and safety and any policies you are implementing during this time.