



Emergency Solutions Grants Program

Waivers of Regulations to Assist Hurricane Harvey Recovery Efforts

2017 Hurricane Recovery

The Texas Department of Housing and Community Affairs (TDHCA) is issuing the guidance below in regards to its Emergency Solutions Grants (“ESG”) Program and 2017 hurricane recovery. TDHCA has informed the US Department of Housing and Urban Development (HUD) that it will participate in HUD’s waivers that are available for hurricane recovery. In order to facilitate assistance to eligible families and communities affected by Hurricane Harvey, Hurricane Irma, and Hurricane Maria, HUD has announced waiver flexibility on the issues below for the ESG Program.

1. Term limits on Rental Assistance and Housing Relocation and Stabilization Services
2. Restriction of rental assistance to units with rent at or below Fair Market Rent (FMR)

In order to use the waivers listed in this document, TDHCA’s ESG Subrecipients must modify their written standards to allow for the waivers or, if using the Continuum of Care written standards, must ensure the CoC written standards have incorporated the waivers.

Qualifying Individuals and Families: Rental Assistance & Housing Relocation and Stabilization Services Waiver

Individuals and families who meet the following criteria may qualify for a time extension for rental assistance and housing and relocation and stabilization services from 24 months to 36 consecutive months. To qualify for the time extension, the individual or families must:

1. Have registered with the Federal Emergency Management Agency (FEMA) as affected by Hurricane Harvey, Hurricane Irma, or Hurricane Maria;
2. Live in a declared-disaster area or be displaced from a declared-disaster area as a result of the hurricanes and flooding by Hurricane Harvey, Hurricane Irma, or Hurricane Maria; and
3. Currently receive rental assistance or housing relocation stabilization services or begin receiving rental assistance or housing relocation stabilization services between October 30, 2017 and October 12, 2019.

For those who meet both of the above criteria, ESG funds may be used to provide up to three consecutive years of rental assistance, utility payments, and housing stability case management, *in addition* to the 30 days of housing stability case management that may be provided before the move into permanent housing.

Qualifying Individuals and Families: FMR Waiver

Individuals and families renting or executing a lease for a unit in a declared-disaster area under FEMA-DR-4322 (Harvey) may qualify for a waiver of the FMR standard if they:

1. Register with FEMA as affected by Hurricane Harvey, Hurricane Irma, or Hurricane Maria; and
2. Are renting or executing a lease for an amount due between October 30, 2017, and October 12, 2019.

ESG Subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard.

Additional Information

Although the following information is not related specifically to a waiver of rules or regulations for disaster affected individuals and families, the Department is providing the following clarification for regulatory requirements that may appear to be a barrier to assisting disaster affected parties.

Clarification of Acceptable Income Verification

The subrecipient must maintain documentation that it complied with 24 CFR §576.500(e) 1 through 4, regarding annual income. If source documentation or third party verification is unobtainable then the subrecipient must document its efforts to obtain the documents and follow the requirements outlined in subsections 3 and 4. According to subsection 4: "To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation."

The ESG regulations allow for a written self-certification by the program participant, in conjunction with other documentation that supports that source documentation is not obtainable, to document annual income. Per 10 Texas Administrative Code (TAC) §7.2, ESG Subrecipients that are using self-certification of income should use TDHCA's approved form, Declaration of Income Statement, which is available online at <http://www.tdhca.state.tx.us/home-division/esgp/guidance-solutions.htm>.

Please contact esg@tdhca.state.tx.us with any questions.

Reasonable accommodations will be made for persons with disabilities and language assistance will be made available for persons with limited English proficiency.



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