



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR MEDICAL SERVICES

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Cynthia E. Beane
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Housing Related Issues in Response to COVID-19
As of March 20, 2020

Due to the response of federal, state and local communities to the COVID-19 Coronavirus and the need of community members receiving long-term services and supports in the community, questions have arisen concerning any official guidance from affordable housing providers. Housing providers are attempting to take the steps necessary to limit exposure to the virus for all tenants and staff of their housing complexes and, as such, may have taken unprecedented steps for the protection of everyone involved. We will ensure that we stay apprised of any changes to guidance and policies on an official or unofficial level. If a participant believes they are being discriminated against or their rights to fair housing are otherwise being violated due to policies and procedures put in place by housing providers, they are encouraged to contact the West Virginia Human Rights Commission. In addition, further information and guidance can be provided by Esther Hupp, Housing Coordinator of the Take Me Home Transition Program under the West Virginia Bureau for Medical Services at Esther.M.Hupp@wv.gov.

Limiting Visitors

While there is no official guidance from the US Department of Housing and Urban Development or USDA Rural Development federal or state partners, many housing providers have limited guests in community congregate settings. According to our WV USDA and Public Housing Authority partners, there is concern that the close proximity of tenants and long-term healthcare providers coming in and out increasing the risk to all tenants and staff of the complex in exposure and spread of the virus. As such, it may be necessary for housing providers to essentially "lockdown" the complex to outside visitors not deemed essential to the health and safety of the individuals living in the property.

That being said, direct care service workers, home health providers, emergency response teams, non-emergency medical transportation personnel and other service providers SHOULD be deemed essential for tenants and should be allowed access. Housing providers may choose to screen essential personnel or limit entry access points to tenants, but those service providers should still be allowed access to the individuals they serve. Tenants that depend upon informal supports to provide critical health and safety services and assistance with activities of daily living may also be deemed essential to the health and safety of tenants. If a housing provider has stated that access is being denied to a service provider or informal support considered essential in the care of a tenant, a reasonable accommodation request should be made to the property management team. Under the laws governing Fair Housing, these requests MUST be considered by the housing provider and an interactive process begun between the tenant and

property management team. While that request is not required under law to be made in writing, we encourage all individuals to document these requests for their own records. In the current climate, emailing the property management company would be the best form of documentation of the request and the interactive process that follows. In lieu of email access, formal handwritten copies might be delivered or mailed to housing providers.

Community Centers/Public Access Points

Many housing providers have chosen to close community rooms, community access points and any other public space where groups of people meet in the community complex. Again, while there is no official guidance on this from HUD or USDA, CDC and the President's guidelines of limiting groups of 10 or more individuals have lead property management providers to determine this action is in the best interest of safety to all residents and staff.

Incident Response Plans/Teams

HUD is encouraging housing providers to come up with Emergency Incident Response Plans including Incident Response Teams which will discuss ways in which the housing provider will make changes to policies and procedures that might assist in limiting exposure to the virus. Once such a plan has been devised, they should communicate those changes to HUD and to all residents of the community setting to ensure everyone has been made aware of policy changes. At this time, individuals with need to request reasonable accommodations to those policies should make those requests (as mentioned before, they do not NEED to be in writing, but documentation is a best practice). Advocates, service staff and informal supports can assist the tenant in making these requests and communicating with housing providers about those accommodation needs.

Limited Maintenance Access

Another issued guidance includes HUDs allowance for public housing authorities to limit maintenance requests to only those deemed emergency maintenance. This limits exposure to the maintenance team by residents and the residents by maintenance team wherever possible. If a tenant believes that the request has not been considered an emergency but they deem it so because lack of maintenance may cause a risk to their health and safety due to their disability, they should make a request for accommodation.

Other Issues/Concerns

While it is important to protect the safety of tenants and staff of community complexes, housing providers must do the best they can to limit any limitation of community independence and freedoms that violate Fair Housing laws. Housing providers should NOT be screening out individuals with disabilities for more restrictive guidelines, but should be making overall changes to the policies and procedures they maintain to protect the health and safety of all individuals in the property.

Requests have been made for HUD and the President to mandate a moratorium on evictions across the country. Guidance also suggests that inspections from HUD will be postponed until the crisis has settled. Changes to family income due to a tenant's inability to work caused by work shortages and closures should be considered through emergency income recertification requests.

Resources

A letter to Secretary Carson of HUD from US House of Representatives Committee on Financial Services requesting further guidance to assist individuals being served in affordable housing across the country:

https://financialservices.house.gov/uploadedfiles/fsc_letter_to_hud_in_response_to_coronavirus_031120.pdf

Senators Warren and Merkley request response from President Trump to protect individuals from evictions and foreclosures: <https://www.merkley.senate.gov/news/press-releases/merkley-warren-push-trump-administration-to-protect-americans-from-evictions-foreclosures-amid-ongoing-coronavirus-pandemic-2020>

National call to action from The Partnership for Inclusive Disaster Strategies regarding protecting individuals with disabilities with comprehensive disaster response plans following COVID-19: <https://mailchi.mp/disasterstrategies/covid19-disability-inclusion-call-to-action>

Further guidance from the National Multifamily Housing Council:
<https://www.nmhc.org/research-insight/analysis-and-guidance/emergency-preparedness/coronavirus-preparedness-for-apartment-firms/>