

July 21, 2020



Toby Halliday
Director, OAMPO
Office of Multifamily Housing Programs
U.S. Dept. of Housing and Urban Development
451 Seventh Street S.W., Washington, DC 20410

David Vargas
Deputy Assistant Secretary
Real Estate Assessment Center
U.S. Dept. of Housing and Urban Development
550 12th Street, SW Suite 100 Washington, DC

REAC Return to Operations: Ten Priorities for Safe Physical Inspections during COVID-19

Dear Mr. Vargas and Mr. Halliday:

On behalf of more than 5,000 mission-driven senior housing and other aging services providers, we applaud HUD for taking quick, responsible action during the early stages of the crisis to reduce virus exposure at senior housing communities by suspending physical inspections. As HUD continues to partner with housing providers and stakeholders through COVID-19, we urge the agency to commit to prioritizing the health and safety of staff and residents at communities serving at-risk populations, including older adults.

As you know, older adults and those with underlying health conditions are particularly susceptible to the impacts of COVID-19, and older adults with low incomes have both higher instances of underlying health conditions and fewer resources for managing the crisis. Approximately 80% of COVID-19 deaths are people 65 or older, and racial minority group health is severely implicated in CDC data of death and hospitalization rates.¹ We support the agency's efforts to maintain critically-important precautions for at-risk populations served by HUD-assisted housing.

As the trusted voice for aging, we urge the agency's efforts to carefully consider any return to operations following the temporary suspension of REAC and NSPIRE physical inspections, for both senior housing and the rest of the multifamily portfolio, given that many older adults live in HUD-housing that is not explicitly elderly-designated. In particular, please consider our below priorities for restarting physical inspections, as well as our outstanding member questions for the agency, sent separately.

As we all adapt to COVID-19, we value our continued partnership with both REAC and MFH to promote decent, affordable living options for older adults with low incomes. We look forward to working together on our overlapping priorities. Please reach out to jbilowich@leadingage.org with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Juliana Bilowich". The signature is fluid and cursive, with a long horizontal stroke at the end.

Juliana Bilowich

¹ COVID-19 in Racial and Ethnic Minority Groups, CDC: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>, June 25, 2020

LeadingAge Priorities for HUD's Return to Physical Inspection Operations

- 1. Continue to conduct exigent health and safety inspections**, regardless of overall inspection suspension, and **maintain oversight of the physical condition of the portfolio** by ensuring that alternative means for residents to report issues remain available to tenants (such as hotlines)
- 2. Maintain inspection suspension for communities serving at-risk populations** throughout the national health emergency (including elderly-designated properties), and consider maintaining the inspection suspension across the HUD-assisted housing portfolio for the duration of the emergency
- 3. Prioritize the health and safety of residents, property staff, and HUD/inspector staff** during any return to operations through flexible policies, clear communication, and appropriate use of PPE, including switching PPE between unit inspections
- 4. Defer enforcement of agency requirements for owners to self-inspect 100% of units annually** due to the inherent exposure risk for residents and property staff
- 5. Support owners in participating in any adapted REAC processes**, including by engaging in clear communication with stakeholders and accepting feedback from those closest to the process, and by refraining from putting owners in a position of asking the specific health status or medical diagnosis of residents in advance of an inspection
- 6. Protect resident privacy rights and housing access** by making available a HIPAA- and Fair Housing-compliant template resident notification that owners can use for scheduled inspections that outlines the agency's new COVID-19 process; and/or by issuing a resident brochure outlining the adapted process that owners can distribute, in particular assuring residents that they are not required to disclose their medical status to their landlord or property manager, and that their housing will not be impacted if their unit is not safe to enter for an inspection due to the pandemic
- 7. Absolve owners from fault or consequence** if inspections are cancelled due to the health crisis, for example if an inspection is not able to take place due to an outbreak on site or in the surrounding area, because property staff or inspectors are impacted by the crisis, or because there are not enough units available for safe entry, as certified by residents
- 8. Limit virus exposure at properties both during and before an inspection** by reducing the sample size of units or by adapting protocols to implement virtual or less invasive alternatives
- 9. Maintain portfolio status data integrity** by accommodating significant repair backlogs and temporarily reduced in-unit oversight through the offer of advisory scores and enhanced risk-based inspection schedules
- 10. Commit to appropriate notification to owners** through a minimum 60-day notice prior to returning to operations and by temporarily expanding the 14-day inspection notice to 30 days, and by allowing owners to submit a request for inspection deferral due to documented COVID-19 impact, subject to HUD approval and owner justification, resulting from COVID-19 impacts to staff, residents, property, or broader community