

# WASHINGTON STATE DEPARTMENT OF HEALTH HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM MANUAL

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## **What is the purpose of this Manual?**

This manual contains a basic overview of the Washington State Department of Health (DOH) HOPWA Program, its eligible activities, requirements, and guidance to Project Sponsors. It is NOT intended to replace existing direction produced by HUD. DOH's integration of Ryan White case management and supportive services in conjunction with HOPWA housing assistance has reduced fragmentation and duplication of services for people living with HIV (PLWH.) The combined efforts of joining housing and health services reduces the risk of homelessness, increases the likelihood of obtaining and sustaining stable housing and improved health outcomes. Project Sponsors are encouraged to be innovative in the creation of housing plans that promote housing stability without fostering long-term dependency on program services. And lastly, to establish collaborations with Public Housing Authorities (PHA) and local community resources to improve client access to safe, clean, affordable long-term and permanent housing placements.

**NOTE:** Project Sponsors are required to establish written HOPWA Policy and Procedure Guidelines that outline, describe, and track your agency use of HOPWA funds.

## **What is HOPWA and who can apply?**

The national HOPWA Program was established by the AIDS Housing Opportunity Act of 1990 and revised under the Housing and Community Development Act of 1992. Under the U.S. Department of Housing and Urban Development (HUD) HOPWA regulations, Section 24 C.F.R. Part 574, this program authorizes entitlement award grants for both competitive and formula funding. Housing Opportunities for Persons with AIDS (HOPWA) is a federally funded program. The HOPWA Program was established by Department of Housing and Urban Development (HUD). The program provides grants to local communities, states, and nonprofit organizations to support activities that address the housing needs of persons living with HIV/AIDS and their families. Assistance is provided regardless of race, culture, language, gender, age, religion, national origin, disability, creed, socio-economic status, marital status, familial status, or sexual orientation. Services provided based on each eligible household's needs to support housing stability and improve their access to healthcare and supportive services. DOH's HOPWA Program is primarily responsible for dispersing funds to local government and nonprofit organizations throughout the State that we are contracted with. Seattle, King County has a separate HOPWA grant specifically designed to service residents of King County and it is anticipated that folks that reside in that region will ideally utilize those services. On a case-by-case basis, DOH will consider well documented request for HOPWA housing services from King and other counties in the state of Washington that we are not contracted with.

## What types of housing services can HOPWA provide?

- **Tenant-Based Rental Assistance (TBRA)**  
TBRA is a rental subsidy used to help households obtain or maintain permanent affordable housing by paying the difference between the contractual rent to the owner and the household's calculated rent payment.
- **Short-Term Rent, Mortgage, and Utility assistance (STRMU)**  
STRMU provides short-term, rent, mortgage, and utility payments for households experiencing a financial crisis as a result of their HIV health condition or a change in their economic circumstances. STRMU is designed to prevent households from becoming homeless by helping them remain in their own dwellings.
- **Permanent Housing Placement (PHP)**  
PHP is assistance used to help households establish a permanent residence in which continued occupancy is expected. Eligible costs include application fees, related credit checks, utility hookup fees and nonrefundable deposits necessary to move persons into permanent housing.
- **Support Services**  
Assistance including, but not limited to, housing counseling, resource identification services, nutritional services, transportation assistance, and assistance in gaining access to mainstream resources.
- **Housing Information Services (HIS).** Per 24 CFR 574.3000, Housing information Services include, but are not limited to, counseling, information, and referral services to assist households with locating, acquiring, financing, and maintaining housing. This may also include fair housing guidance for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap.
- **Facility-Based Housing**  
Facility-based supportive housing assistance is one of the HOPWA program's unique elements, providing resources to develop and operate community residences and other supportive housing for a special need's population. The intention of the legislation that created the HOPWA program was to allow for the development of supportive housing that could serve as an alternative to skilled nursing facilities. With facility-based housing, the expectation is that participants will need some level of supportive services in order to maintain stability and receive appropriate levels of care. HOPWA regulations require the sponsor to certify that they will give residents an adequate level of support and work with qualified service providers, accessing such support in an ongoing manner.
- **Transitional Short-Term Facilities**  
These are temporary, stable housing units or housing arrangements (commonly in the form of hotel/motel vouchers) utilized as a placeholder or bridge while seeking permanent housing.

## What is the eligibility process to apply for HOPWA services?

To establish household eligibility under HOPWA, you will need the following documentation:

- HIV/AIDS Diagnosis – a signed statement from the client’s health care professional on official letterhead with the following:
  - Name of the person with an HIV+ diagnosis
  - Date of diagnosis

**Note:** If the client’s HIV documentation is from a healthcare provider outside of the HOPWA coverage area your agency provides, including out of state, you must follow-up with that provider to confirm that the household’s documentation is authentic within 30 days of receiving HOPWA services. The household must submit verification of diagnosis from a local healthcare professional within your agency’s coverage area.

- Proof of low income – you must document proof of household income (income includes every person over the age of 18 in the household) as at or below 80 percent of Area Median Income. HUD Income Limits are published on the HUD website at [www.huduser.gov/portal/datasets/il.html](http://www.huduser.gov/portal/datasets/il.html).

**Note 1:** Documentation must be obtained and verified for each household prior to the provision of any HOPWA assistance and must be kept on file. In cases where a household member reports income, but refuses to produce documentation of income, the household must be determined ineligible for assistance. If a household reports zero income, the file must contain a documentation of no-income form. Project Sponsors must develop a tracking system/method in their agency HOPWA Policy & Procedures that routinely reviews/updates the no-income form at a minimum of every six months. Self- declaration should only be used as a last resort and every attempt made to verify the household has no other income. Documentation can include:

- Copies of pay stubs
- Social Security payment statements
- Grant award letters
- Print-out from the DSHS Benefits Verification System (BVS)
- Regular and reoccurring gifts or contributions – HUD considers regular and reoccurring gifts or contributions to be counted as income and should be considered so in determining income eligibility.

**Note 2:** HOPWA funds used to assist households who do not meet the eligibility requirements, or to lease units where an inspection has not been completed, or the rent is not reasonable, must be repaid to Washington State Department of Health (DOH).

## What are some commonly used forms that need to be completed to apply for HOPWA?

### Client File Contents Checklist

- Statement of HIV Verification
- HOPWA Program Agreement/Application for Assistance
- **Housing Plan.** All households must have a housing stability plan. Effective housing stability plans clearly link barriers to obtaining or maintaining stable housing to the action items that overcome barriers. Action items should be customized and specific to the household and achievable. Regular and frequent progress/updates should be made to the plan. A good housing plan includes the following elements:
  - Short- and long-term goals
  - Information regarding instability of current housing situation
  - Information regarding homelessness history, also past history of both housing stability and housing instability
  - Identification of causes of housing instability
  - Identification of barriers to stability
  - address barriers
  - Progress tracking
  - Housing plans should clearly detail the household's roles and Project Sponsor's roles. This list is not exhaustive.
- Budget Worksheet
- Generic Lease/Rental Agreement
- Self-Declaration of Income
- Self-Declaration of No Income
- Consent to Release and/or Obtain Confidential Information
- [HOPWA HQS Habitability Standards](#)
- Rent Reasonableness Checklist
- Resident Rent Calculation Form. Available at: [www.hudexchange.info/resource/1835/hopwa-income-resident-rent-calculation/](http://www.hudexchange.info/resource/1835/hopwa-income-resident-rent-calculation/)
- TBRA Tracking Form
- STRMU Tracking Form. See Appendix F
- Program Termination Policy. See Appendix D

For a more complete list of forms, visit the HUD Exchange website at:

[www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/](http://www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/).

**Note:** HOPWA assistance is not considered permanent housing. Researching local resources and developing long term strategies to move households to a permanent situation should always be considered when devising the housing plan.

## What is Tenant-Based Rental Assistance (TBRA) and how do I help clients apply for it?

Tenant-Based Rental Assistance (TBRA) is a rental subsidy designed to alleviate the rent burden of low-income households. Eligible households pay 30% of their income and the remaining rent portion is paid in the form of a rent subsidy to the landlord. To receive TBRA a client/household must have a legal right to reside in a private unassisted unit/apartment/home and prove responsibility for paying the rent. TBRA is portable and moves with the client. The client selects a housing unit of his/her/their choice and can continue assistance when moving to another unit, if needed. Satisfactory evidence of tenancy includes a lease naming the eligible client as the leaseholder or occupant.

For those households seeking to establish eligibility for TBRA in a mobile or manufactured home please refer to **notice CPD-03-05** for guidance. This notice provides guidance when establishing eligibility for clients residing in a mobile or manufactured home. Review pages 4-5. Additionally, HOPWA Grantee Oversight Resource Guide page 80 provides guidance.

To establish household eligibility under TBRA, you need the following documentation:

- **Case notes**
- **Complete and signed application for HOPWA assistance**
- **Current signed release of information forms**
- **HIV/AIDS diagnosis verification** (as explained previously in the HOPWA eligibility process).
- **Income documentation.** Households must be at or below 80% of Area Median Income (AMI) to be eligible for all forms of HOPWA assistance, except for Housing Information Services (24 CFR 574.3). Information on Area Median Income as determined by HUD is available at: [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html). Households with zero income who are applying for TBRA assistance must also demonstrate that they have sufficient resources or expect to have sufficient resources in the near term to pay for basic living such as food, clothing, transportation, and utilities beyond the HOPWA subsidy and/or utility allowance credit provided with TBRA.
- **Fair Market Rent (FMR) documentation.** This must be the guideline in client's search for housing. For exceptions to the FMRs policy, please contact the Department of Health (DOH) HOPWA coordinator to get approval. Visit [www.huduser.org/portal/datasets/fmr.html](http://www.huduser.org/portal/datasets/fmr.html) for additional information on FMRs. The DOH HOPWA Coordinator may on a case-by-case basis grant an increase of the rent standard by up to 10%.
- **Utility Allowance:** Utilize the Local Housing Authority Standard to compute
- **Occupancy Standard:** Utilize the Local Housing Authority Standard to determine unit size that client/household qualifies for.
- **Rent Calculation and annual re-certification.**  
When possible, all HOPWA TBRA households should also apply for a Housing Voucher. For additional information visit: [www.hudexchange.info/resource/1835/hopwa-income-resident-rent-calculation/](http://www.hudexchange.info/resource/1835/hopwa-income-resident-rent-calculation/).

The Housing Plan for re-certification must show active retention and search of housing through all available federal, state, and local housing programs. Project Sponsor policy must state that failure of an eligible household to accept a Housing Voucher when offered, may result in

termination of HOPWA assistance. If accepting a voucher would place undue burden on the household, the Project Sponsor in consultation with the DOH HOPWA Coordinator, may waive the requirement in special circumstances. Special circumstances may include but are not limited to:

- a) Household would have to move away from household who are necessary for the household's care and well-being.
- b) Household would have to move but is too sick at the time to do so.
- c) Household cannot find a suitable residence that will accept a Housing Voucher.

**Note:** If this requirement is waived, documentation must be included in the household file.

Project Sponsors must annually recertify TBRA households by income and household family composition. Additionally, HQS inspections must be performed. Project Sponsors must develop an Annual TBRA Recertification method and document in your agency HOPWA Policy & Procedures.

- **Absence from Unit Policy.** Project Sponsors must develop an Absence from Unit Policy and document in your Agency HOPWA Policy & Procedure.
- **Lease agreement.** All lease agreements must have provisions covering Violence Against Women Act (VAWA) protections (in accordance with 24 CFR 574.604 part 5, Subpart L) and provisions addressing Lead-Based Paint (in accordance with 24 CFR 574.635) or have separate addendums in place (see Appendices C and G).
- **HOPWA HQS Habitability Standards**
- **Lead Based Paint Requirements** (see Appendix C)
- **Smoke/carbon monoxide safety declaration**
- Reasonable rent certification. For a guide to compliance, see Appendix A
- **Housing plan**
- **Reasonable Accommodations.** Generally, recipients of HOPWA are prohibited from renting from a family member. Exceptions may be approved if the unit would provide a reasonable accommodation for a household member with disabilities. This reasonable accommodation requires a physician's statement to be included in the client's file (see Appendix B).

**Note:** Generic forms are available at [www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/](http://www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/). For additional information, read chapter 4 of the HOPWA Oversight Guide available at:

[https://files.hudexchange.info/resources/documents/HOPWAOversightGuide\\_Aug2010.pdf](https://files.hudexchange.info/resources/documents/HOPWAOversightGuide_Aug2010.pdf).

### **What is Short-Term Rent, Mortgage, and Utility Assistance (STRMU) and how do I help clients apply for it?**

STRMU is a homeless prevention intervention and is intended to improve access to health care and other supportive services. STRMU assistance enables income-eligible individuals or families living with HIV/AIDS, and who are at risk of becoming homeless, to receive short-term rent, mortgage, and/or utility assistance for a period not to exceed 21 weeks in any 52-week period. STRMU funds can be used to pay past-due and ongoing rent payments, mortgage payments, and/or utility payments. Late and/or reconnect fees are allowable. **Deposits ARE NOT an allowable cost.**

**Note:** HOPWA cannot be used to pay for property taxes or condominium fees. Utility and rent security deposits and telephone service costs are not allowable under STRMU. HUD prohibits STRMU payments being made to an individual or household that is already receiving rental assistance through HOPWA or another federal, state, or local housing subsidy program, including Housing Choice Voucher.

**Eligibility examples of STRMU cases:** The client may be unable to pay rent, mortgage, and/or utilities because (a) (he/she/they) are unable to work due to recent hospitalization and, therefore received significantly less pay and unable to cover expenses (b) the client had to recently purchase unexpected costly HIV medication or pay for unexpected medical expenses out of pocket (c) the client was not hospitalized, but too ill to work in the recent past according to a physician's statement and the client did not have a position where sick and annual leave was accrued (d) the client left employment, has been declared presumptively eligible for disability benefits in writing and is pending commencement of benefits. This is not an exhaustive list.

To establish household eligibility under STRMU, you need the following documentation:

- **Case notes**
- **Complete and signed application for HOPWA assistance**
- **Current signed release of information forms**
- **HIV/AIDS diagnosis verification** (as explained previously in the HOPWA eligibility process).
- **Income documentation.** Households must be at or below 80% of Area Median Income (AMI) to be eligible for all forms of HOPWA assistance, except for Housing Information Services (24 CFR 574.3). Information on Area Median Income as determined by HUD is available at: [www.huduser.gov/portal/datasets/il.html](http://www.huduser.gov/portal/datasets/il.html).
- **Evidence of tenancy, ownership, or residency.** For rental assistance, the applicant will need to demonstrate that they are either the named tenant on a lease, are a legal resident in the unit, or have responsibility to pay rent. Evidence of the latter can be a late notice in the applicant's name. For mortgage assistance, documentation such as a deed, a late mortgage payment notice identifying the applicant, and a current insurance policy identifying the applicant or resident family members as the property owner. For utilities assistance, utility bills in the applicant's name or cancelled checks made by the applicant to a utility company for a particular account can serve as adequate documentation.
- **There must be evidence of need.** Verify that STRMU assistance will meet identified need (e.g., terminate eviction or shut-off proceedings). Assess the applicant's ongoing housing needs and develop housing plans for more permanent or stable housing solutions. Although STRMU assistance does not require the participant to pay a portion of the rent or utility bill, it should not be used to relieve the household responsibility for their rent, mortgage, or utility payments if they have some ability to contribute. If a participant can pay some of their required payments, program staff may negotiate an appropriate amount of contribution. In general, STRMU should be used for reasonable and actual housing costs that a household cannot cover due to a crisis and a lack of other resources.

- **Smoke/carbon monoxide safety declaration.** The client can attest that smoke and carbon monoxide alarms are available in the unit and in functional order through self-attestation. The attestation must be signed and included in the household's case file. Even though housing inspections are not required for STRMU, clients are required to ensure that an operable hard-wired or battery-operated smoke detector is installed in all HOPWA- assisted units. Per Washington State Carbon Monoxide Alarm Laws (RCW 19.27.530 (2009) and Chapter 132 Laws of 2012 (SSB 6472) a working CO2 alarm must also be present. This applies to STRMU with one exception: if the utilities are the only service being subsidized, the requirement for smoke detectors does not apply. HOPWA Habitability Form is an approved document for fire department safety declaration.
- **Housing plan**

**Note:** Generic forms are available at: [www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/](http://www.hudexchange.info/resource/1025/hopwa-program-administration-toolkit/). For additional information, read chapter 5 of the HOPWA Oversight Guide available at:

[https://files.hudexchange.info/resources/documents/HOPWAOversightGuide\\_Aug2010.pdf](https://files.hudexchange.info/resources/documents/HOPWAOversightGuide_Aug2010.pdf).

### What are STRMU time limits?

STRMU payments are limited to a maximum of 21 weeks during any 52-week period and are not intended to provide continuous assistance. **The method to be used to provide STRMU is Calendar Days of Assistance.** This method would be equal to the actual days for which housing and/or utility payments are made on behalf of the participant household. The limit of 21 weeks is equated to 147 days of assistance in the year. Example #1: If a total utility bill was paid and the service period was April 17-May 16, 14 days would be attributed to April and 16 days to May. Example #2: If a portion of the utility bill was paid, the days would be counted based on the amount that was paid by STRMU (e.g., total bill for April 17-May 16 (30 days)) is \$148.00. Agency agrees to pay \$100. Divide \$148 by 30 days, which equals \$4.93 per day. The \$100 payment divided by \$4.93 per day equals 20.3 days (rounded to 20 days) assisted by STRMU.

STRMU limits can also be capped, based on program budgets, i.e., limiting funds to a specific amount per household per 21 weeks. However, the cap should be high enough to realistically assist the household in achieving stability with the STRMU payment.

Household client files must have the following tracking sheet documenting the number of weeks assistance that was provided (**see Appendix F**).

### What is Permanent Housing Placement (PHP) and how to I help clients apply for it?

PHP is assistance used to help households establish a permanent residence in which continued occupancy is expected. Eligible costs include application fees, related credit checks, utility hookup fees and nonrefundable deposits necessary to move persons into permanent housing. Additionally, first and last month rent payments are eligible cost.

To establish housing eligibility for Permanent Housing Placement, you need the following documentation:

- **Case notes**
- **Complete and signed application for HOPWA assistance**
- **Current signed release of information forms**
- **HIV/AIDS diagnosis verification** (as explained previously in the HOPWA eligibility process).
- **Income documentation.** Households must be at or below 80% of Area Median Income (AMI) to be eligible for all forms of HOPWA assistance, with the exception of Housing Information Services (24 CFR 574.3). Information on Area Median Income as determined by HUD is available at: [www.huduser.org/portal/datasets/il.html](http://www.huduser.org/portal/datasets/il.html)
- **There must be evidence of need.** Documentation that supports movement towards permanent housing.
- **Housing plan.** Households must have a housing stability plan.

### **What is the goal of HOPWA Support Services and what services are covered by it?**

The primary goal of HOPWA is to provide housing assistance to eligible households to ensure housing stability. In general, the emphasis of HOPWA should be on housing assistance rather than supportive services. Supportive services provided with HOPWA funds should focus on supporting the housing stability of program participants and must be made available to persons receiving housing and must be optional for the household. Supportive services may include:

- **Health/medical/intensive care services.** This applies if they are approved by DOH Housing Coordinator and documentation if there is not another available resource for paying (may not be provided to household members). HOPWA regulations and additional HUD guidance place strong limitations on the direct use of HOPWA for health-related expenses. The limitations are:
  - Health services can only be provided to persons living with HIV or AIDS (24 CFR 574.300b(7)).
  - Payments for health services may not be made to the extent that payment can come from another public or private source (24 CFR 574.310a(2)).
  - Payments may not be made in substitution for AIDS Drug Assistance Program (ADAP) payments.
  - Any health services to be paid by HOPWA must be approved directly by HUD.
  - Health-related payments can only be considered for approval on a case-by-case basis.
  - Organizations must document reasonable efforts to qualify beneficiaries for available types of health care support, including health insurance and other programs.

**Project sponsors must contact DOH HOPWA coordinator on a case-by-case basis regarding whether costs for a specific health service can be allowed.**

Health and medical-related costs must be related to the household's illness or loss of income. Health expenditures are prohibited unless it can be directly related to housing stability through employment or school in some way. An example is if a household needs help paying for prescription glasses and will not be able to work or go to school without them. HOPWA may

cover the cost if no other resource is available to cover it.

**It must also be documented those other resources were contacted for help in paying these health/medical costs and were unable to assist. Documentation should include date of contact, name of organization and contact person. Results of the contact should be detailed in the household file.**

- Adult day care and personal assistance
- Alcohol and drug abuse services
- Case management/household advocacy/coordination of benefits
- Childcare and other child services (because the parent(s) is actively working or seeking work that lends itself to improving their household stability)
- Education
- Employment assistance and training
- Some legal services
- Life skills management
- **Meals/nutritional services** (no gift cards or grocery vouchers). A non-facility housing program can purchase a limited amount of bulk nutrition products like Ensure, canned chicken, tuna, beans, etc., and if a freezer is available, fresh meat. This would be paid for as a HOPWA Supportive Services. Another Supportive Service activity is to purchase “access slots” from a food bank/pantry that households can use for emergency nutritional needs, as long as you are sure the food bags provided contain sufficient nutritional items. Households should sign a confirmation each time they receive food. For non-facility housing programs, it is important to make sure HOPWA funds are not paying for nutrition that is available through other means.
- Mental health services
- Outreach
- Transportation (no car repairs or gas vouchers)

**Note:** HOPWA funds may not be used for personal items such as clothing, grooming supplies, furniture, entertainment activities, pets, financial assistance, or consumer credit payments. DOH limits Supportive Services to 35 percent of the grant total. The Project Sponsors must develop a tracking system within their HOPWA housing policies and procedures to track HOPWA Supportive Services.

### **What are Housing Information Services (HIS) and under what circumstances do I need to provide these services to clients?**

This is a search for housing service. Housing information services include, but are not limited to, counseling, information, and referral services to assist an eligible person to locate, acquire, finance, and maintain housing. This may also include fair housing guidance for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap. Some HIS may include exploring barriers to housing and advocating on behalf of households, landlord/tenant mediation, collaborating with local resource fairs to provide housing information, holding housing information classes/presentations. This list is not exhaustive.

## What is Facility-Based Housing and how do I help clients apply for it?

Facility-based housing is housing that is owned or leased by a project sponsor. This form of supportive housing facility serves as an alternative to a skilled nursing facility or other such institutional setting. With facility-based housing, the expectation is that participants need high level of supportive services in order to maintain stability and receive appropriate levels of care. HOPWA regulations require the Project Sponsor to certify that they will give residents an adequate level of support and work with qualified service providers, accessing such support in an ongoing manner. Some eligible reimbursable cost is:

- Facility repairs
- Operating costs – including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies and other incidental costs.

To establish eligibility under Facility-Based Housing, you need the following documentation:

- **Case notes**
- **Complete and signed application for HOPWA assistance**
- **Current signed release of information forms**
- **HIV/AIDS diagnosis verification** (as explained previously in the HOPWA eligibility process).
- **Income documentation.** Households must be at or below 80% of Area Median Income (AMI) to be eligible for all forms of HOPWA assistance.
- **Lease or occupancy agreement**
- **Housing plan**
- **System to track resident rent payments/program income.** Project Sponsors must develop a system to track resident rent payments/program income. Agency HOPWA Policy & Procedures must describe how this mechanism works.

## What are Transitional Short-term Facilities, their time limits, and how do I help clients apply for this?

These are temporary, stable housing units or housing arrangements (commonly in the form of hotel/motel vouchers) utilized as a placeholder or bridge while seeking permanent housing. Transitional Short-term Facilities are intended to provide temporary shelter to eligible individuals to prevent homelessness and allow an opportunity to develop an individualized housing and service plan to guide the client's linkage to permanent housing. Clients must actively work with Project Sponsor and close alignment with a housing plan: Housing plan should regularly monitor and review/reflects short-term and long-term goals and needs as appropriate and as achieved.

**Time Limits:** "A short-term housing stay may not provide residence for any individual for more than 60 days in any 6-month period." 24 CFR 574.330 (a).

To help clients apply for a Transitional Short-term Facility, you need the following documentation:

- **Case notes**
- **Complete and signed application for HOPWA assistance**

- **Current signed release of information forms**
- **HIV/AIDS diagnosis verification** (as explained previously in the HOPWA eligibility process).
- **Income documentation.** Households must be at or below 80% of Area Median Income (AMI) to be eligible for all forms of HOPWA assistance, except for Housing Information Services (24 CFR 574.3).
- **Reasonable daily rents.** Reasonable daily rents may be calculated based on the area regional per-diem cost (project sponsors must develop HOPWA policies and procedures that address most cost-efficient means for determining appropriate services provided.)
- **Housing plan**

### **What are some key definitions and examples of administrative and program delivery costs?**

#### Administrative Cost:

Begin with this statement: Project Sponsors may spend up to 7% of their HOPWA award on Administrative cost. Allowable cost benefits the agency as a whole and cannot be attributed specifically to a program.

- Cost of staff time spent managing or tracking general HOPWA operations, grant agreements and contracts, etc.
- Staff time spent preparing the annual HOPWA APR/CAPER forms
- Certain office items, office space rental fees, or software fees that are not specific to one HOPWA activity, but rather support all/multiple HOPWA activities. This list is not exhaustive.

#### Direct Program Delivery Costs:

All costs associated with managing housing assistance payments. This is most commonly the cost of staff time for time spent supporting a program activity. For instance, for TBRA, typical direct program delivery costs would be:

- Time spent checking that clients qualify for TBRA and conducting initial and annual rent/income calculations and certifications.
- Time spent conducting unit inspections for TBRA units.
- Time discussing lease agreements with clients or landlords. This cost is to be tracked, billed and reported directly to the appropriate housing activity and time sheets must reflect the actual time spent.

This list is not exhaustive.

### **What are some costs that are unallowable under the HOPWA Program?**

The following costs are **unallowable**:

- No gift cards or grocery vouchers.
- No car repairs or gas vouchers.
- No personal items such as clothing, grooming supplies, furniture, entertainment activities, financial assistance, or consumer credit payments.
- No pet fees or pet rent
- Entertainment costs, including social activities and directly associated costs such as food at

- staff meetings or trainings
- Contributions
- Fines or penalties
- Lobbying costs
- Refundable security deposits

**What special responsibilities do I need to consider?**

**Confidentiality:**

Project Sponsors must ensure the confidentiality of the identity of any person receiving HOPWA assistance. Personal participant eligibility documentation must only be accessible to HOPWA staff and the Project Sponsor. HOPWA household files must not be kept in the same location as other non-HOPWA or general files in an agency that serves other clients that are not HIV positive.

Project Sponsors must have written confidentiality policies and procedures in place that describe how a participant’s confidentiality is protected. The policy, at a minimum, should address:

- How staff will gather, record, and store confidential information.
- The consent process for the release of confidential information.
- Standards contained in relevant state and federal laws including HIPAA compliance and HIV confidentiality statutes.
- Privacy standards related to data collection and use of participant information for program reporting.
- Project sponsors must use a unique identifier for the household files that can be verified against a master list of UI codes during a site monitor visit. Household names must not be on the outside of a file.

**Records Retention:**

HOPWA related program and financial reports and information, including household files must be kept for six years after the grant period ends.

**Fraud:**

Commission of fraud, bribery, or any other corrupt or criminal acts by Project Sponsors will result in termination of the HOPWA grant. Per 24 CFR Part 85, DOH may direct the Project Sponsor to reimburse the HOPWA program for costs inappropriately charged to the HOPWA program. Project Sponsors should have a section in their HOPWA Policies and Procedures that warns clients that knowingly provide false documentation/information are ineligible to apply for or receive HOPWA services.

**Reports:**

The Project Sponsor is responsible for submitting required reports by the due dates:

REPORT	DUE DATE
CAPER (HOPWA Formula Funding)	On date requested by DOH
APR (HOPWA Competitive Funding)	On date requested by DOH

**Reimbursement Requirement:**

The Project Sponsor is responsible for submitting correct A19-1A invoice vouchers and backup documentation by the 25<sup>th</sup> day of the month following the month in which services were provided. Washington State Department of Health will pay late claims at its discretion, contingent upon the availability of funds.

**Contract Amendments:**

Any changes that are needed to amend contracts must be submitted to the HIV Community Services Supervisor for approval. No amendments are allowed to contract that are within 60 days of expiration.

**Mandatory Training:**

All Project Sponsors will ensure that personnel responsible for financial management and oversight of HOPWA Funds complete the HUD HOPWA Financial Management Online Training:

- [www.hudexchange.info/trainings/courses/hud-hopwa-financial-management-online-training/](http://www.hudexchange.info/trainings/courses/hud-hopwa-financial-management-online-training/)

This requirement must be included in the Agency HOPWA Policy & Procedures. Project Sponsor must devise system to document staff members name, title and date training was completed.

**Monitoring:**

DOH will monitor every Project Sponsor on a schedule determined from the results of a grant risk assessment. Monitoring may be on-site or remote.

**Policies and Procedures:**

All Project Sponsors are required to have the following written Policies/Policies and Procedures:

- Agency HOPWA Policy & Procedures Manual/Guidelines
- Confidentiality Policy
- Termination and Grievance Policy (see Appendix D)
- Absence from Unit Policy
- Annual Recertification of Income & Household Eligibility and Interim Recertification Policies
- Grace Periods for Surviving or Remaining Household Member (see Appendix E)

**Equal Access for Transgender People: Supporting Inclusive Housing and Shelters**

All Project Sponsors must make sure their HOPWA Policies & Procedures and Program documents & follows HUD's Equal Access Rule which ensures equal access to individuals in accordance with their gender identity in programs and shelters. See Resource Link:

- [Equal Access in Accordance with Gender Identity Final Rule – 2016](#) (PDF)
- [Equal Access to Housing Final Rule – 2012](#) (PDF)

## Appendix A – Rent Reasonableness

### When to Conduct a Rent Reasonableness Assessment

Program staff are required to assess rent reasonableness of a unit when establishing eligibility of rental unit for TBRA:

- Before increasing the rent to a landlord
- When FMR *decreases* by 5 percent or more from the previous year's FMR.

Example form located at: [www.hudexchange.info/resource/1828/hopwa-rent-reasonableness-checklist-and-certification/](http://www.hudexchange.info/resource/1828/hopwa-rent-reasonableness-checklist-and-certification/).

### Determining Rent Reasonableness

HOPWA Project Sponsors must establish and maintain a policy and procedure for determining rent reasonableness. Program staff must document the rent reasonableness assessment in the household file.

### Determining Rent Reasonableness

Program staff should not assume that if the rent of an assisted unit is within the established rent standard Before entering into an agreement with a landlord (usually FMR) that the unit's rent is reasonable. It is possible that a unit may be within the rent standard established by the Project Sponsor and still not be reasonable.

Program staff must document for each unit that a reasonable rent is being charged compared to other units in the private market and must verify, if applicable, that the rent of a unit is reasonable compared to the rent of other comparable unassisted units owned by the same landlord. There are two acceptable methods for determining rent reasonableness:

- **Using a market study.** A market study conducted by a local Public Housing Agency (PHA) or other entity in conducting their rent reasonableness assessment may be used. In some cases, Project Sponsors have worked in partnership with their local PHA to gain access to rent reasonableness assessments conducted by, or for, the PHA. Such information can provide the necessary data needed to complete the rent reasonableness assessment in the household file.
- **Review of comparable units.** A Project Sponsor may also choose to conduct their own periodic review of comparable units (performed quarterly at a minimum). This is usually the best option for smaller programs or for programs that serve a large or varied geographic region that may be different than any one PHA. A review of rent reasonableness can often be completed during the HOPWA habitability standards review. The rental assistance program should develop clear policies detailing how the reviews will be completed. The policies should include resources regarding factors to consider when comparing units, finding comparable units, and methods of documentation. The periodic market study can provide the necessary data needed to complete the rent reasonableness assessment in the household file.

**Comparison factors.** Factors to consider in conducting the assessment, include the following:

- Location of the unit: in what neighborhood is the unit located? What are the distances to public transportation, shopping, work, and other services?
- Size of unit: how many bedrooms does the unit have?
- Type of unit: is the unit attached or unattached? Is it in a large or small complex?
- Age of unit: when was the unit built?
- Utilities: which utilities, if any, are included in the rent of the unit?

These first five factors are often the most important for determining variances in rent. The following factors usually do not create substantial differences in rent, although they are addressed in the lease and can affect how quickly a unit lease:

- Amenities: is a washer/dryer, dishwasher, or new carpet provided in the unit? Do tenants need to pay for washing clothes and linens?
- Housing services: are services provided to tenants?
- Maintenance: does the lease specify some form of tenant responsibility for maintenance of the unit (i.e., lawn care)?

### **Locating Units for Comparison**

There are a variety of methods for locating units for comparison, internet sites (e.g., [www.craigslist.org](http://www.craigslist.org)), and apartment guides. Additionally, some communities have developed 211 systems that include affordable housing as a part of their listed services. Based on the factors discussed above, each unit should be reviewed with at least three other comparable units. When comparable units are not available, best efforts should be made to find similar units in other complexes or in similar geographic areas that are comparable to the location of the unit to be assisted.

## Appendix B – Reasonable Accommodations

24CFR 982.306 (d) states:” The Public Housing Authority (PHA) must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the household, **unless** the PHA determines that approving the unit would provide reasonable accommodation for a household member who is a person with disabilities.”

Because People Living with HIV/AIDS often rent from family members when they need care and support for their illness, and because low-income families may need the rental income to help support the additional household member, a waiver of this rule may be requested. In this case a written rental agreement from the household must be obtained and maintained in the household file for documentation purposes. An inspection of the unit is also required.

Further, HOPWA prohibits renting a room, apartment, or home from a household member – whether the household member lives in the unit, or not. This also applies to renting from an unmarried partner who resides at the same residence. If a household lives with a household member and the total household income falls under the 80% AMI, then HOPWA may assist the entire household. In rare cases HUD will allow renting from a household member under “Reasonable Accommodation.”

### **Information to consider when reviewing a reasonable accommodation request**

“A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability. However, in response to a request for a reasonable accommodation, a housing provider may request reliable disability-related information that (1) is necessary to verify that the person meets the Fair Housing Act’s definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person’s disability and the need for the requested accommodation. Depending on the individual’s circumstances, information verifying that the person meets the Act's definition of disability can usually be provided by the individual himself or herself (e.g., proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.

In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry. Once a housing provider has established that a person meets the Act's definition of disability, the provider's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request, or unless disclosure is required by law (e.g., a court-issued subpoena requiring disclosure).”

**Any exception must be approved by DOH. There is no limit to the number of reasonable accommodations that can be requested or granted; it depends on disability-related needs.**

## Appendix C – Lead-Based Paint

To prevent lead-poisoning in young children, Lead/Subgrantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R.

### Disclosure Requirements

For ALL properties constructed prior to 1978, landlords must provide tenants with:

- Disclosure form for rental properties disclosing the presence of known and unknown lead- based paint
- A copy of the “Protect Your Family from Lead in the Home” pamphlet

Note: Both the disclosure form and pamphlet are available at:

- <https://ipropertymanagement.com/templates/lead-based-paint-disclosure>

Information on lead-based programs in Washington State can be found at:

- [www.commerce.wa.gov/building-infrastructure/housing/lead-based-paint/](http://www.commerce.wa.gov/building-infrastructure/housing/lead-based-paint/)

## Appendix D – DOH Termination & Grievance Policy

### Washington State Department of Health HOPWA Termination & Grievance Policy

When HOPWA Services are terminated Per 24 CFR 575.310(2) Project Sponsors must provide a formal process that recognizes the rights of households receiving assistance to due process of law. The process must consist of the following elements:

1. Serve the program participant/household a written notice containing a clear statement of the reason(s) for termination.
2. Permit the program participant/household the opportunity to confront opposing witnesses, present written objections and be represented by their own counsel; before a person other than the person (or a subordinate of that person) who made or approved the termination decision.
3. Provide prompt written notification of the final decision to the program participant/household; offer Supportive Services and document in the program participant/household file.

Termination of services should only occur in the most severe cases. Project Sponsors must offer Supportive Services and document in household file.

## Appendix E – Grace Periods for Surviving or Remaining Household Members

With respect to surviving or remaining household members living in the assisted unit at the time of the eligible individual's death, incarceration, lease bifurcation, enrollment in substance use treatment, or entry to hospice/long-term health care, Project Sponsors must provide surviving and remaining household members a reasonable grace period to find alternative housing (no less than 90 days and no more than (1) one year.) Per 24 CFR 574.310 Project Sponsors Policy & Procedure should contain the following elements:

- Notify the survivor and remaining household members of the duration of the grace period
- Provide supportive services to the survivor and remaining household members
- Offer survivors and remaining household members information on other available housing programs

**STRMU TRACKING SHEET**

CLIENT ID: \_\_\_\_\_

YEAR: \_\_\_\_\_

	RENT/MORTGAGE ASSISTANCE AMOUNT/NUMBER OF WEEKS PROVIDED	UTILITY ASSISTANCE AMOUNT/NUMBER OF WEEKS PROVIDED
JANUARY		
FEBRUARY		
MARCH		
APRIL		
MAY		
JUNE		
JULY		
AUGUST		
SEPTEMBER		
OCTOBER		
NOVEMBER		
DECEMBER		

**\*\*\*TO CALCULATE THE NUMBER OF WEEKS OF RENT/MORTGAGE ASSISTANCE PROVIDED:**

Amount of assistance provided divided by Total amount of rent times 4.3

For example: If a client receives \$300.00 in rental assistance from PCAF and the total amount of their monthly rent is \$600, we provided 2.15 weeks of assistance.

$$300/600 = .5 \times 4.3 = 2.15$$

**\*\*\*TO CALCULATE THE NUMBER OF WEEKS OF UTILITY ASSISTANCE PROVIDED:**

Amount of assistance provided divided by Total amount of one utility period times 4

For example: If a client receives \$300.00 in utility assistance from PCAF and the total amount due for one utility period is \$600, we provided 2 weeks of assistance.

$$300/600 = .5 \times 4 = 2$$

## Appendix G – VAWA LEASE ADDENDUM SAMPLE FORM

### LEASE ADDENDUM

#### VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005

TENANT	LANDLORD	UNIT NO. & ADDRESS
--------	----------	--------------------

This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

#### **Purpose of the Addendum**

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

#### **Conflicts with Other Provisions of the Lease**

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

#### **Term of the Lease Addendum**

The effective date of this Lease Addendum is \_\_\_\_\_. This Lease Addendum shall continue to be in effect until the Lease is terminated.

#### **VAWA Protections**

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy, or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

\_\_\_\_\_  
Tenant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Landlord

\_\_\_\_\_  
Date

## Appendix H – OTHER RESOURCES

**Resources and Guidance: The following list of resources is not exhaustive. Local, state, and federal mandates, guidance and updates must be adhered to as applicable.**

- [HOPWA HUD Exchange Home page](#) – Contains information on HOPWA Eligibility Requirements, Laws, Regulations and Technical assistance.
- [HOPWA Program Administration Toolkit - HUD Exchange](#) – Blank forms and checklist to set up HOPWA Program & Client Files
- [www.hudexchange.info/resource/1003/hopwa-grantee-oversight-resource-guide/](http://www.hudexchange.info/resource/1003/hopwa-grantee-oversight-resource-guide/) – Provides detailed guidance of HOPWA Grant management & Project Sponsor responsibilities
- <https://files.hudexchange.info/resources/documents/HOPWARentalAssistanceGuidebook.pdf> – Provides tools and reference materials useful for operating Rental Assistance Programs.
- [eCFR :: 24 CFR Part 574 -- Housing Opportunities for Persons with AIDS](#) – HOPWA Definitions and Code of Federal Regulations (CFR).
- [www.hudexchange.info/resource/2269/notice-cpd-03-05-guidance-manufactured-housing-under-home-program/](http://www.hudexchange.info/resource/2269/notice-cpd-03-05-guidance-manufactured-housing-under-home-program/) – Identifies use of HOPWA Funds for Manufactured Housing.
- [Notice-CPD-06-07-Standards-Hopwa-Strmu-Payments-Permanent-Housing \(hudexchange.info\)](#) – Provides guidance on eligibility and use of Short -Term Rent, Mortgage and Utility Payments.
- [CPD Monitoring Handbook \(6509.2\) | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#) – Guide for Review and Monitoring of HOPWA Programs/Activities.

### CARES Flexibilities Waivers and COVID-19 Resources

- Description  
<https://files.hudexchange.info/resources/documents/Responding-to-COVID-19-Surges-A-2021-HOPWA-Program-Resource-Guide.pdf>
- Description  
Notice CPD-20-05: CARES Act Implementation Instructions and Related Flexibilities for the HOPWA Program - HUD Exchange
- Description  
Get the Facts: HOPWA and COVID-19 Response
  - Description  
[HOPWA COVID-19 Eligible Activities Chart](#)

- Description  
[CARES Act Moratorium on Evictions and its Effect on the HOPWA Program FAQs](#)
- Description  
[HOPWA/COVID-19: STRMU Funding Options](#)
- Description  
[CPD Memo: Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(Issued June 30, 2021\)](#)