



HOPWA

Housing Opportunities for Persons with AIDS

Program Manual

(updated September 2023)



Introduction

The state of New Mexico HOPWA grant is a formula grant program based on a renewable funding source pursuant to the number of HIV/AIDS diagnoses as reported to the CDC (Center for Disease Control) by the State of New Mexico. There are two (2) HOPWA formula grants: (1) Balance of State and (2) City of Albuquerque. The HOPWA grant allocation is based on the prior year's HIV/AIDS diagnoses in the state.

MFA has been administering the HOPWA program, a HUD formula entitlement program, statewide since 1997. Beginning in fiscal year 2011, the City of Albuquerque had enough HIV/AIDS cases that the city qualified for their own HOPWA entitlement grant from HUD. Because the City of Albuquerque was unable to administer this grant due to a hiring freeze and lack of administrative funds available under this program, MFA and the City of Albuquerque signed a Memorandum of Understanding (MOU) for MFA to administer the city's HOPWA grant. Beginning in fiscal year 2011, HUD allocated the City of Albuquerque's HOPWA formula entitlement funds directly to MFA.

The HOPWA grant year is based on the state fiscal year, July 1 to June 30.

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Section 1. Purpose and Use of the Program Manual

This manual contains a basic overview of the Housing Opportunities for Persons With AIDS (HOPWA) Program and its eligible activities and requirements. It is not intended to replace existing guidance provided by the U.S. Department of Housing and Urban Development (HUD).

Additional program information can be found on the [HUD Exchange HOPWA Page](#)

Section 2. Program Rules

The HOPWA rules in the Code of Federal Regulations (24 CFR 574) provide general standards that must be met by all Project Sponsors, including, but not limited to:

- 2 CFR 200** et seq. – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR 2429** et seq. – Requirements for Drug-Free Workplace (Financial Assistance)
- 24 CFR 1** et seq. – Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development—Effectuation of Title VI of The Civil Rights Act of 1964
- 24 CFR 3** et seq. – Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- 24 CFR 5** – General HUD Program Requirements; Waivers
 - Subpart A** – Generally Applicable Definitions and Requirements; Waivers
 - Subpart F** – Section 8 and Public Housing, and Other HUD Assisted Housing Serving Persons with Disabilities: Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance
- 24 CFR 6** et seq. – Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of The Housing and Community Development Act of 1974
- 24 CFR 8** et seq. – Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development
- 24 CFR 35** et seq. – Lead-Based Paint Poisoning Prevention in Certain Residential Structures
- 24 CFR 85** et seq. – Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments
- 24 CFR 87** et seq. – New Restrictions on Lobbying
- 24 CFR 91** et seq. – Consolidated Submissions for Community Planning and Development Programs
- 24 CFR 100** et seq. – Discriminatory Conduct Under the Fair Housing Act
- 24 CFR 107** et seq. – Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063
- 24 CFR 135** et seq. – Economic Opportunities for Low- and Very Low-Income Persons
- 24 CFR 146** et seq. – Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance
- 24 CFR 574** governs only the HOPWA Program.

Section 3. Program Purpose, Administration, and Overview

1. Program Purpose

The primary goal of the federal HOPWA funds is to assist low-income Persons Living With HIV/AIDS (PLWHA) in maintaining affordable and stable housing, reducing their risk of homelessness, and improving their access to health care and supportive services.

2. Program Administration

MFA administers the HOPWA Program, which is funded by an annual formula grant from HUD. The MFA HOPWA Program serves all counties in New Mexico. MFA selects project sponsors through a competitive Request for Proposals (RFP) process.

3. **Authorized Activities**

MFA authorizes the following program activities (see Section 14 “Program Activities”):

- A. Tenant Based Rental Assistance (TBRA)
- B. Short-Term Rent, Mortgage and Utility (STRMU) Assistance
- C. Permanent Housing Placement (PHP) Assistance
- D. Support Services
- E. Admin

Section 4. Administrative Agency and Project Sponsor Roles and Responsibilities

1. **Grantee Roles and Responsibilities**

- A. The Grantee (MFA) is responsible for meeting all requirements outlined in the Code of Federal Regulations, Title 24, Part 574, for the HOPWA program. This includes providing training and technical assistance, as necessary, to all project sponsors as well as resources to support the program. This includes the following:
 - HOPWA Rental Assistance Guidebook
 - HOPWA Grantee Oversight Resource Guide
 - HOPWA Program Administration Toolkit
 - HUD “AAQ” for questions not addressed in other resources
 - HOPWA trainings/webinars
 - “Peer Meetings” to include all HOPWA partner agencies for the purpose of collaboration

2. **Project Sponsor (“Service Provider”) Roles and Responsibilities**

- A. Project Sponsors must comply with all federal and state regulations, policies, standards, and guidelines as specified in the HOPWA Performance Agreement (contract) and this manual (24 CFR Part 574).
- B. Project Sponsors must manage program funds in compliance with HUD regulations and charge costs to the appropriate activity.
- C. Project Sponsors must maintain financial records for all expenditures; this would include payment requests and source documentation, procurement files, payroll records and payroll tax returns and financial statements (audit files).
- D. Project Sponsors must maintain all files relating to the HOPWA program for a minimum of four years (24 CFR 574.530) from the end of the contract term.
- E. Project Sponsors must maintain the following:
 - i. Permanent files on every client entered into the program; each file must include the HMIS number associated with that client’s entry in the HMIS system as well as the **age of the unit (year it was built)** for which the client receives HOPWA assistance; depending on the type of assistance the client receives, there are additional documents that must be kept in each file; see **Section 13, Other Supporting Documentation**
 - ii. Current and accurate data on the race and ethnicity of program participants
 - iii. For clients assisted with Short Term Rent, Mortgage and Utility Assistance (STRMU) funds, Project Sponsor must outline their policy for tracking the number of weeks of assistance provided to the client so that it does not exceed 21 weeks within a 52-week calendar year (Section 858(b)(3)(B)AIDS Housing Opportunity Act)
 - iv. Documentation related to the formula grantee’s Assessment of Fair Housing [24 CFR 5.168]
 - v. Data on emergency transfers requested under 24 CFR 5.2005(e) pertaining to victims of domestic violence, dating violence, sexual assault or stalking, including data on outcomes of such requests.
- F. Project Sponsors must ensure administrative costs do not exceed **seven percent** of their total program allocation.

- G. Project Sponsors must maintain timesheets and activity reports to support staff hours/payments billed in each monthly invoice. These supporting documents will be reviewed during a monitoring review by the grantee.
- H. Project Sponsors must safeguard against conflicts of interest. In addition to the conflict of interest requirements in 2 CFR 200.317 (for recipients and subrecipients that are states) and 2 CFR 200.318 through 200.326 (for recipients and subrecipients that are not states), no person who is an employee, agent, consultant, officer, or elected or appointed official of the subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter. Subrecipients should have policies in place that identify and handle real or potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. HUD requires such a policy, which is often part of an organization's "code of conduct" for board, staff, and volunteers. It is recommended to have all board members sign a copy of this on an annual basis.
- I. Project Sponsors cannot acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under 574, or commit or expend HUD or local funds for such eligible activities under 574, until the responsible entity (as defined in 58.2) has completed the environmental review procedures required by 58 and the Request for Release of Funds (RROF) and Certification have been approved. HUD will not release grant funds if MFA commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before a Project Sponsor submits and HUD approves its RROF (where such submission is required). Project Sponsor must supply all necessary, applicable information regarding any environmental review, for the responsible entity to perform that review (24 CFR 574.510). Project Sponsor must also carry out mitigating measures required by the responsible entity or select alternate eligible property.

Section 5. Confidentiality

1. Ensure Confidentiality

Per 24 CFR 574.440, Project Sponsors must ensure the confidentiality of all records by developing a comprehensive program policy for confidentiality. Project Sponsors must ensure the physical security of client files as well as electronic data related to each client. Client files should be kept in a locked cabinet at all times. Computers should only be accessed with a secure password.

2. Consent to Release and/or Obtain Confidential Information

Prior to exchanging information with any other agency or entity, Project Sponsors must first secure a "Release of Information" from the client. There may be exceptions to client disclosure as required by law.

Section 6. Ensuring Access to the Program

1. Application Office Location

Project Sponsor should have an easily accessible location(s) where households can apply for assistance.

2. Providing Information About Housing Assistance

All applicants should be informed of housing assistance services during intake and existing clients should be informed during routine medical, psychosocial, or other appointments (if applicable). Project Sponsor should assess the housing needs of all clients. When a household requests housing assistance, the housing case manager should inform them of the program. At a minimum, the information should include:

- HOPWA housing assistance available;
- Application process;
- Documentation needed to determine program eligibility and qualifications for specific program services;

- Current waitlist and priority populations, if applicable

3. **Methods of Taking Applications**

Project Sponsor can schedule appointments specifically for program applications. Applications can be completed during intake or routine appointments. To accommodate the needs of various households and assure proper use of staff resources, the Project Sponsor should offer the following options of taking applications:

A. **Regular Office Interviews**

The majority of interested households should be able to apply for the program during a Project Sponsor's regular business hours.

B. **Special Office Interviews**

If an interested household is unable to apply for the program during regular business hours, it is recommended that the Project Sponsor attempt to arrange an off-hours interview.

C. **Home Visit Interviews**

If, for whatever reason, an interested household is unable to interview at a Project Sponsor's application office, then the Project Sponsor should attempt to arrange an interview at the household's current residence or other agreed upon location.

4. **Waitlists**

Project Sponsors should establish a **waitlist policy** for households eligible for assistance, categorized by type of assistance needed (TBRA, STRMU or PHP). The policy may be unique to that agency but at a minimum should include the following:

- Definition and purpose of waitlist policy (to include equitable process for all households)
- Process of determining eligibility and priority level for waitlist
- Process of updating waitlist
 - a) Notifying case managers of open slot on waitlist
 - b) Factors that can lead to a household being removed from waitlist

Section 7. Fair Housing, Nondiscrimination and Equal Opportunity

1. **Fair Housing Act**

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, religion, sex, age, national origin, familial status, or disability. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. For more information about the Fair Housing Act, visit the *Office of Fair Housing and Equal Opportunity* website. For fair housing outreach and marketing tools, visit the *Fair Housing Marketing* website.

2. **Affirmatively Furthering Fair Housing**

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal grantees further the purposes of the Fair Housing Act. MFA supports Project Sponsors in their efforts to take meaningful actions that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As provided in the final rule, AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

3. **Americans with Disabilities Act**

Per 24 CFR 574.603(a)(1), MFA and Project Sponsor must comply with the applicable provisions of the Americans with Disabilities Act (42 USC 12101-12213).

4. Affirmative Outreach

Per 24 CFR 574.603(b), Project Sponsor must develop local program policies to ensure that all persons who qualify for assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or disability, know of the availability of the HOPWA program, including facilities and services accessible to persons with a disability, and maintain evidence of implementation of the procedures.

5. Reasonable Accommodations

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. The Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, an owner with a "no pets" policy may be required to grant an exception to this rule and allow a household member who is blind to keep a guide dog in the residence. The Act also requires owners to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces.

Section 8. Violence Against Women Act (VAWA) Requirements

The Violence Against Women Act (VAWA) provides protections and remedies for program applicants and beneficiaries who are survivors of domestic violence, dating violence, sexual assault, or stalking. Despite the name of this law, VAWA protections and remedies are available regardless of sex, gender identity, or sexual orientation. Per 24 CFR 5, Subpart L, VAWA applies to all HUD programs, including HOPWA. Specifically, an applicant or beneficiary of the MFA HOPWA Program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the unit on the basis or as a direct result of the fact that the applicant or beneficiary is or has been a survivor of domestic violence, dating violence, sexual assault, or stalking, if the applicant or beneficiary otherwise qualifies for admission, assistance, participation, or occupancy.

On March 15, 2022, President Biden signed into law the Consolidated Appropriations Act of 2022, which included the Violence Against Women Act Reauthorization Act of 2022 ("VAWA 2022"). On January 4, 2023, HUD published a notice in the Federal Register ("VAWA 2022 Notice") that described how the VAWA 2022 amendments affect HUD programs, including the Housing Opportunities for Persons with AIDS ("HOPWA") Program. VAWA 2022 revises the definition of "domestic violence" and adds the definitions of "economic abuse" and "technological abuse." HUD interprets its current regulatory definitions of "domestic violence" and "stalking" to include what is covered in these revised and new statutory definitions.

A copy of the VAWA 2022 Notice is available at:

<https://www.federalregister.gov/documents/2023/01/04/2022-28073/the-violence-against-women-act-reauthorization-act-of-2022-overview-of-applicability-to-hud-programs>.

In addition to this, on June 20, 2023, the Office of HIV/AIDS Housing (OHH) sponsored a webinar to provide an overview of the 2013 Violence Against Women Reauthorization Act (VAWA) requirements. Beginning with PY2023-2024, Project Sponsors shall be held accountable for all updates made to the VAWA 2013 document, as a result of the Reauthorization Act.

Section 9. Housing Quality Standards/Lead-Based Paint

Per 24 CFR 574.310(b), 574.635, 35, and CPD-94-05, assisted units, including shared housing arrangements, must be safe, sanitary, and compliant with all applicable state and local housing codes, licensing requirements, and any other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the

operation of the housing. Assisted units must also meet all Housing Quality Standards, Lead-Based Paint Requirements and Fire Safety Requirements. TBRA units must be inspected before an eligible client may be assisted with HOPWA funds and at annual eligibility recertification. STRMU units do not require inspections prior to move-in, but units must be inspected when STRMU assistance is continued for more than 100 consecutive days. The completed inspection form must be kept in the client's file. If a subrecipient assesses that a STRMU-assisted household is residing in substandard housing, the housing plan should address any unit deficiencies or include a goal of moving the household to a unit that meets all Housing Quality Standards.

The standards and requirements should be interpreted in the best judgment of the person performing the inspection, which includes the following:

1. Housing Quality Standards

The standards, as described in 24 CFR 574.310(b), include:

- A. *Structure and materials.* The unit is structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from hazards.
- B. *Access.* The unit is accessible and capable of being utilized without unauthorized use of other private properties. Structure must provide alternate means of egress in case of fire.
- C. *Space and security.* Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.
- D. *Interior air quality.* Every room or space must be provided with natural or mechanical ventilation. Structure must be free of pollutants in the air at levels that threaten the health of residents.
- E. *Water supply.* The water supply must be free from contamination at levels that threaten the health of residents.
- F. *Sanitary Facilities:* The unit has sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
- G. *Thermal environment.* The unit must have adequate heating/cooling facilities in proper operating condition.
- H. *Illumination and electricity.* The unit must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliances while assuring safety from fire.
- I. *Food preparation and refuse disposal.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.
- J. *Sanitary condition.* The unit and any equipment must be maintained in sanitary condition.
- K. *Fire safety.* There is at least one working smoke detector in the unit. Where possible, smoke detector is located near sleeping area. The fire alarm system is designed for hearing-impaired residents.
- L. *Carbon Monoxide Detection:*

a. Is there a fuel-burning appliance/fireplace/forced-air furnace/private garage located within or attached to the building? Yes ___ No ___

If No, requirement does not apply.

If Yes, indicate the location of the fuel-burning appliance/fireplace/forced-air furnace/private garage:

b. If the requirement applies, are there any exceptions? Yes ___ No ___

If Yes, requirement does not apply. Indicate exception(s).

If No, CO detection is required and must be documented in accordance with requirements outlined in chapters 9 and 11 of the IFC.

*Carbon monoxide alarms must be listed in accordance with **UL 2034**.

2. Lead-Based Paint Requirements

The regulations for Lead-Based Paint, as described in the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Subpart M, require certain responses to potential lead-based paint hazards. If the structure was built prior to 1978, **and** a child under the age of six or a pregnant woman may or will reside in the unit, and the unit has a defective paint surface inside or outside the structure, the unit cannot be approved until the defective surface is repaired by at least scraping and painting the surface with two coats of non-lead-based paint. Defective paint surface means: applicable surface on which paint is cracking, scaling, chipping, peeling or loose. Project Sponsor should notify the property owner of the need for paint stabilization. Specific guidelines for paint stabilization are described in 24 CFR 35.1330(b). If a child under age six residing in the HOPWA-assisted unit has an Elevated Blood Level, paint surfaces must be tested for lead-based paint. If lead is found present, the surface must be abated in accordance with 24 CFR 35.

If the structure was built before 1978 (age of unit must be verified), the Project Sponsor must provide the following to the household at intake:

- "Protect Your Family from Lead in Your Home" pamphlet, found at:

<https://www.epa.gov/sites/default/files/2020-04/documents/lead-in-your-home-portrait-color-2020-508.pdf>

- Lead-based Paint Disclosure Form - this must be signed by the client at intake then kept in the client's file:

<https://eforms.com/images/2015/09/landlords-disclosure-of-lead-paint.pdf>

If the structure was built or rehabilitated before 1978 **and** a child under the age of six or pregnant woman will reside in the unit/property, then the Project Sponsor must visually assess the unit. Assessments must be completed prior to the signing of the lease and before any HOPWA assistance is provided. Visual assessments are unnecessary for zero-bedroom units or if a unit meets other exemptions in 24 CFR 35.115(a).

Project Sponsor should ensure that a minimum of one staff member completes the "HUD Certified Visual Assessment Exam" which can be found at:

<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>

Note: Lead-Based Paint requirements apply to STRMU **only** if assistance has been provided for 100 consecutive days, if the house was built before 1978 **and** a child under the age of six or pregnant woman may reside there. Additional guidelines are outlined in Exhibit 24-3 of the "Guide for Review of Lead-Based Paint Compliance in Properties Receiving TBRA Assistance."

3. **Fire Safety Requirements**

The requirements for Fire Safety, as described in the Fire Administration Authorization Act of 1992, include smoke detector installation. Smoke detectors must be installed in accordance with National Fire Protection Association Standard 74, or more stringent local policies as applicable. Existing units must contain a single or multiple-station smoke detector outside each sleeping area; on each level; battery operated or hard wired; clearly audible or interconnected. Accommodations must be made for individuals with sensory impairments. Owners/landlords are responsible for providing and maintaining smoke detectors for renters. Project Sponsors may use local fire programs or hardware store donations to provide smoke detectors for mortgagors.

Section 10. Linkage with the Housing Voucher Program and Other Affordable Housing Programs

1. **Collaboration with Section 8 and Other Affordable Housing Programs**

Project Sponsors must establish linkages and collaborative relationships with the local Public Housing Authority and other affordable housing programs. These can be a vital resource for the long-term housing needs of HOPWA-assisted households.

Section 11. Program Eligibility

1. **Program Eligibility Criteria**

Project Sponsors are responsible for determining the eligibility of all who apply for assistance. In shared housing arrangements where two or more unrelated households live together, Project Sponsors should assess the eligibility of only the applicant household, not the eligibility of the other households. Households must meet the following criteria to be eligible for the MFA HOPWA Program:

- A. At least one household member must have documentation, signed by a medical professional, to show they are living with HIV (24 CFR 574.3);
- B. Household annual gross income cannot exceed 80 percent of area median income per the household's county of residence (24 CFR 574.3); and
- C. Household must reside in the Project Sponsor's service area.

2. Program Eligibility Confirmation and Documentation Requirements

Before a household is enrolled in the program, Project Sponsors must confirm eligibility by obtaining complete and acceptable documentation. Eligibility documentation must be maintained in the client's file. Project Sponsors must notify clients of their program eligibility in writing. This may be confirmed by obtaining the following:

A. HIV diagnosis for at least one household member

There are a number of different ways to document that a person is living with HIV. Proof of HIV may be found in laboratory test results or other forms of documentation that bear the client's name. Records from a client's previous service provider may be used for the purpose of confirming the client's program eligibility if those records contain a medical diagnosis of HIV and signature/date of either a medical case manager or medical provider.

B. Proof of gross income for all household members 18 years of age and older

Per 24 CFR 5.609, income includes, but is not limited to:

- i. Gross wages, salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services
- ii. Net income from operation of a business or from rental or real personal property
- iii. Interest, dividends and other net income of any kind for real personal property
- iv. Full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts except as provided in line 14 of Annual Income Exclusions
- v. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay except as lump sum additions to family assets, such as inheritances, insurance payment (including payments under health and accident insurance and worker's compensation), capital gains and settlement for person or property losses.
- vi. Temporary Assistance for Needy Families (TANF), including amounts designated for shelter and utilities
- vii. Alimony, child support payments, and regular contributions from organizations or from persons not residing in the dwelling
- viii. All regular pay, special pay and allowances of a member of the Armed Forces except as provided in line 7 of Annual Income Exclusions.

Project Sponsors must use the Household Income Eligibility Worksheet to document and annualize household gross income and determine household income eligibility for the program. The Household Income Eligibility Worksheet must be completed before initial eligibility certification and annual eligibility recertification. Also, the form must be completed if household eligibility factors have changed.

Project Sponsor should document the calculation used to determine the total income of the participant/household (24 CFR 574.320).

If any household member 18 years of age and older reports that they have zero income or have attempted but cannot obtain third party proof of income, the Project Sponsor should refer to the

HOPWA *Accepted Forms Income Verification Guide* or complete the Zero Income Affidavit. Both forms may be found in the HOPWA Program Administration Toolkit.

C. Proof of current residency for all household members 18 years of age and older

- i. Documentation evidencing tenancy includes a lease naming the household member as the leaseholder or occupant. Documentation must include an address in the Project Sponsor's service area.
- ii. Documentation evidencing ownership of encumbered property includes a deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the household as the property owner/debtor; or a valid, current title insurance policy identifying the eligible person or a resident member of the household as the property owner/debtor. Documentation must include an address in the Project Sponsor's service area.
- iii. Documentation evidencing a utility account in a household member's name with a utility vendor. Documentation must include an address in the Project Sponsor's service area.

3. Annual and Interim Program Eligibility Recertification

A. Annual Eligibility Recertification

After initial eligibility certification, household program eligibility must be recertified annually (every 12 months). For annual eligibility recertification, it is recommended that all program enrollment and service forms be completed again, as applicable, to include, at a minimum:

- * Household size
- * Income source back up documents or zero-income affidavit
- * Release of Information
- * Documentation to show that the established rent is still reasonable
- * Annual Habitability Standards Inspection

B. Interim Eligibility Recertification

Household program eligibility must be recertified if household eligibility factors have changed during an annual eligibility period. A change in household income, residency, or composition may affect other program eligibility criteria and rental assistance components.

- i. *Change in Household Income.* The HOPWA Program defines a change in income as \$200.00 or more per month to align with HUD's Occupancy Requirements of Subsidized Multifamily Housing Programs https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsggh/4350.3 Nonetheless, households may request an interim recertification for a change in income of any amount at any time during an annual eligibility period. If household annual gross income exceeds 80 percent of AMI, the household is no longer eligible for the program.
- ii. *Change in Household Residency.* Document any change in residency in the client file. If the household is outside of the Project Sponsor's service area, program services will end immediately and the household may seek services from the HOPWA provider in their new service area.
- iii. *Change in Household Composition.* Eligibility for all new household members 18 years of age and older must be documented in the client file. If the household does not include a household member living with HIV, the household is no longer eligible for the program unless the household qualifies for the Project Sponsor's grace period.

Section 12. Program Activities

Housing Assistance

1. To receive TBRA assistance

- A. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent;

- B. At least one household member must be named on the current lease or utility bill; and
- C. Unit must pass the HQS inspection and Lead-Based Paint requirements (where applicable).

2. To receive STRMU assistance

- A. The household must already be housed;
- B. The household must provide proof of a recent short-term emergency event that jeopardizes housing stability;
- C. At least one household member must be named on the current lease, mortgage, or utility bill; and
- D. The household can receive only 21 weeks of assistance in a 52-week period (January 1 to December 31).

3. To receive PHP assistance

- A. The household must be homeless or in the process of relocating;
- B. The household must locate housing; and
- C. At least one household member must be named on lease/rental agreement for initial move-in costs.

Tenant-Based Rental Assistance (TBRA)

1. Purpose

TBRA is a rental subsidy used to help households obtain or maintain permanent housing, including assistance for shared housing arrangements in the private rental housing market until they are able to enroll in the Housing Voucher Program or other affordable housing programs. Under TBRA, the household selects a housing unit of their choice. If the household moves out of the unit, payments to the owner will end and the household can move with continued assistance to another unit. TBRA is portable and moves with the household.

Project Sponsor must maintain the TBRA Tracking Spreadsheet to ensure effective tracking of client eligibility and the amount of rental assistance provided through annual income re-certifications and resident rent payment determinations. [24 CFR 574.310] [24 CFR 574.320] [24 CFR 574.500(b)(2)].

2. Eligible Costs

TBRA pays current rental costs. In shared housing arrangements where two or more unrelated households live together and divide rental costs, Project Sponsors must prorate rental assistance for the portion of the unit occupied by the enrolled household. Per 24 CFR 574.320(b), the rent charged must relate to the size of the private space for that household in comparison to other private space in the shared unit, excluding common space. An assisted household may be assigned a pro rata portion based on the ratio derived by dividing the number of bedrooms in their private space by the number of bedrooms in the unit. Participation in shared housing arrangements is voluntary.

3. Ineligible Costs

TBRA cannot pay rental or utility debts, late or reconnect fees, or mortgages. Per 24 CFR 574.320(a)(1), TBRA cannot pay costs that exceed the “maximum subsidy” which is the monthly amount that *could* be paid to both the owner and to the utility vendor. TBRA cannot pay initial move-in costs (e.g., application and administrative fees, security and utility deposits, etc.). However, initial move-in costs can be paid using PHP services.

4. Housing Status

Households must present evidence of tenancy in the private, unassisted housing market. TBRA is designed to alleviate the rent burden of low-income households. As such, TBRA may not be used to assist mortgagors, homeless households, or households moving into a new housing arrangement.

A. Rent

To receive TBRA services, households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant. As a general matter, if the eligible individual is not named on a valid lease either as a tenant or an occupant, the individual has no legal right to reside in the unit and is therefore unqualified for TBRA services.

B. Utilities

In the event a household receiving TBRA services qualifies for a utility reimbursement, the difference must be paid to the utility vendor. Failure to provide a reimbursement of this amount would violate the requirement of 24 CFR 574.310(d). To receive a utility reimbursement, a household member must have an account in their name with a utility company. Individuals who have prior criminal histories, poor credit or lack of rental history may not have utility accounts in their name; however, they may be responsible for paying these housing expenses. Such households must demonstrate proof of responsibility to make such payments by documenting a history of making payments and should not be excluded from receiving TBRA utility reimbursements based on the utility account not being in their name. For example, if a household's utility account is in someone else's name, a Project Sponsor could request a copy of the account holder's photo identification and a signed statement from the account holder confirming that the household is responsible for the utility payments.

5. Occupancy Standards

The intent of TBRA Occupancy Standards is to provide:

- A. The smallest number of bedrooms needed by a household without overcrowding and
- B. Guidelines for selecting a rent standard (see 7. Rent Standard and Rent Reasonableness below).

To be counted as a bedroom, the room must meet all Housing Quality Standards (see Section 10. Housing Quality Standards) and provide a private area where household members may sleep. If the only method to enter one area is to pass through another room, then the space may be counted as a living/sleeping area but will not be counted as a bedroom. The living room may be counted as a living/sleeping area, but not a bedroom. Kitchens and bathrooms may not be counted as living/sleeping areas or bedrooms. Project Sponsors must determine the appropriate number of bedrooms needed by a household based on household composition. The following requirements apply when determining the appropriate unit size:

- A. Size must provide the smallest number of bedrooms needed for all members without overcrowding.
- B. Size must be consistent with space requirements under the Housing Quality Standards (HQS).
- C. Size must be applied consistently for all households of like size and composition.
- D. A child who is temporarily away from the home because of placement in foster care is considered a member of the household in determining the size.
- E. A pregnant woman must be treated as two people in determining the size and small children (less than 2 years of age) may share a one-bedroom with a single parent.
- F. Any live-in aide must be counted in determining the size.
- G. Two elderly or disabled household members may be given separate bedrooms.

When determining the unit size that a household qualifies for, Project Sponsors may grant exceptions to the standards if the exception is justified by the age, sex, health, disability, or relationship of household members or other personal circumstances. Exceptions must be documented by Project Sponsors in the client's file.

6. Rent Standard and Rent Reasonableness

Per 24 CFR 574.320(a), the gross rent of TBRA-assisted units cannot exceed the rent standard. The MFA HOPWA Program uses Fair Market Rent (FMR) for the unit size per the household's county of residence as the rent standard. Alternatively, Project Sponsors may use a HUD-approved community-wide exception rent standard if one is locally available. Project Sponsors may request current copies of exception rent standard tables from local Housing Authorities. When choosing a rent standard, Project Sponsors must refer to the Occupancy Standards

(see 5. Occupancy Standards above) to determine the number of bedrooms a household qualifies for, and then select the corresponding rent standard. A household may occupy a unit that is smaller or larger than specified by the Occupancy Standards, but in such instances, Project Sponsors must use the rent standard for the lower of either the number of bedrooms allowed by the Occupancy Standards or the actual number of bedrooms in the proposed unit. For example, if a household qualifies for a one-bedroom unit, but occupies a two-bedroom unit, the Project Sponsor must use the rent standard for a one-bedroom unit. Similarly, if a household qualifies for a two-bedroom unit, but occupies a one-bedroom unit, the Project Sponsor must use the rent standard for a one-bedroom unit. An important point about the rent standard is that it includes both rent *and* utilities, or the “gross rent.” Utilities include electricity, fuel (e.g., natural gas, oil), water, sewer, and trash removal. Phone, internet, and cable are not included. When determining whether a proposed unit is within the rent standard, Project Sponsors need to know the amount of several costs, including:

- Rent being requested by the owner;
- Basic utilities included in the rent to the owner; and
- Basic utilities to be paid separately in addition to the rent paid to the owner.

The gross rent must also be reasonable in relation to rents for comparable unassisted units in the private market and must not be in excess of rents charged by the owner for comparable unassisted units. Project Sponsors should account for unit location, size, type, age, amenities, and utilities provided by the owners.

- *Size.* Proposed units should be compared to units with similar bedrooms, bathrooms, and square feet.
- *Type.* Proposed units should be compared to similar unit types (e.g., house, duplex, apartment, etc.).
- *Amenities.* Proposed units should be compared to units with similar amenities (appliances, patios, etc.).
- *Location.* Proposed units should be compared to units in the same areas.

Proposed units must be compared with two similar units. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent. **To ensure compliance with this requirement, Project Sponsors must complete separate rent reasonableness forms for each proposed unit before TBRA services start and at annual eligibility recertifications. Recertification dates should be scheduled one year from the first date of rental assistance.** Also, the form must be completed if household residency or rent has changed. If the gross rent of the proposed unit exceeds the lower of the rent standard or the reasonable rent, then TBRA services may not be provided. However, on a unit-by-unit basis, the Project Sponsor may increase the rent standard by up to 10 percent for no more than 20 percent of the units that receive rental assistance.

7. Calculating Monthly Household and Project Sponsor Rent Payments

TBRA pays the difference between the contractual rent to the owner and the household’s calculated rent payment. Project Sponsors make rental assistance payments directly to property owners and, in rare circumstances, to utility vendors. Per 24 CFR 574.310(d), households receiving TBRA services must pay as rent, including utilities, an amount which is the higher of: (1) 30 percent of the household's monthly adjusted income (adjustment factors include the age of the individual, medical expenses, size of household and child care expenses and are described in detail in 24 CFR 5.611); (2) 10 percent of the household's monthly gross income; or (3) if the household is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the household’s actual housing costs, is specifically designated by the agency to meet the household’s housing costs, the portion of the payment that is designated for housing costs. To accurately calculate the household’s monthly rent payment to the owner and the Project Sponsor’s monthly rental assistance payment to the owner, Project Sponsors must complete the Rental Assistance Worksheet before TBRA services start and at annual eligibility recertification. Also, the form must be completed if household eligibility factors or rent have changed. The Project Sponsor’s monthly payments to the owner and to the utility vendor depend on the contractual rent to the owner and any utility allowances the household qualifies for (see 8. Utility Allowances and Reimbursements below). Per 24 CFR 574.320(a)(1), the “Maximum Subsidy” is the monthly amount of TBRA funds that *could* be paid to both an owner and a utility vendor.

8. Utility Allowances and Reimbursements

Households receiving TBRA services may receive a utility allowance if they pay a separate utility vendor in addition to rent and utilities paid to the property owner/landlord. Households only receive an allowance for utility costs that are not paid by another source. Allowances are prorated in shared housing arrangements. Project Sponsors may request current copies of HUD-approved utility schedules from local Housing Authorities. Project Sponsors must use the allowance for the number of bedrooms the client qualifies for per Occupancy Standards and not the actual number of bedrooms the household will occupy. Per HUD Exchange AAQ #174958, *“An exception to the program’s approved Occupancy Standards can be made if the larger unit’s total rent amount is at or below the smaller unit’s rent standard. The rent plus utilities for the larger unit must be at or below the smaller unit’s FMR. When this exception to the Occupancy standard is made, the assisted household is only eligible for a utility allowance based on the smaller unit or appropriately sized unit established in the Occupancy Standards. This may increase the amount a household pays out of pocket for utilities because the allowance is based on a smaller unit. However, when a larger unit is provided as a reasonable accommodation, the household is eligible for a utility allowance based upon the size of the unit.”* In the event a household’s allowance exceeds the household rent payment, the household’s adjusted rent payment is \$0.00, and the difference is paid to the utility vendor in the form of a utility reimbursement. Failure to provide a reimbursement of this amount would violate 24 CFR 574.310(d). Per 24 CFR 982.514, Project Sponsors must notify the household of the amount paid to the utility vendor and maintain a record of this notification in the household’s file.

9. TBRA Outcome Measures

To measure the effectiveness of TBRA services, Project Sponsors should record household destination outcomes on a tracking spreadsheet. This information should be entered if the household will be disenrolled from the program or continue to the next annual eligibility period.

Short-Term Rent, Mortgage and Utility (STRMU) Assistance

1. Purpose

Per 24 CFR 574.330, STRMU provides short-term, stabilizing interventions to households experiencing a financial crisis as a result of their HIV status or a change in their economic circumstances. STRMU is designed to prevent households from becoming homeless by helping them remain in their own dwellings, and when utilized together with other efforts, including access to health care services, case management, benefits counseling, and employment or vocational services, works to stabilize assisted households.

HUD and MFA seek to foster long-term solutions to housing instability for households receiving time-limited housing assistance. Stand-alone STRMU payments are likely to create only a temporary solution for an unstable living arrangement unless connected to a long-term housing stabilization plan. Project Sponsors are encouraged to coordinate related housing efforts to assess the on-going housing needs of these households and provide access to other permanent housing options for HOPWA-eligible persons and their households as appropriate.

Individual housing and services plans include an assessment of the household’s current resources and establishment of longer-term goals for the assisted household. When appropriate, these goals should involve efforts to restore self-sufficiency, develop job skills necessary for gainful employment, access public benefits, and/or enhance educational attainment, vocational rehabilitation, or life skills needed for future independence from housing support. Individual housing and services plans also serve as documentation that grantees and project sponsors have met the requirement for on-going assessments of housing assistance and supportive services, as required under 24 CFR 574.500.

Project Sponsor must maintain the STRMU Tracking Sheet to ensure effective tracking of client assistance and time limits. (21 weeks [147 days] with in a 52-week period using the calendar year January 1 to December 31)

2. Eligible Costs

STRMU pays rental, mortgage, and utility debt. STRMU can pay late fees and other penalties if, in the event of nonpayment, the household would be at risk of eviction or loss of housing. Unlike TBRA services, the amount of assistance provided is not limited to the lower of the rent standard or reasonable rent for the unit and households are not required to pay a portion of their income toward the rent or mortgage payment. However, if they are able, households should pay a portion of their housing costs as any portion paid by the household does not count against the 21-week STRMU benefit ceiling.

3. Ineligible Costs

STRMU cannot be provided to households receiving rental assistance for the same period of time from HOPWA or another federal, state, or local housing assistance program. For example, STRMU cannot pay the portion of rent that a household is responsible for if they are enrolled in a Housing Voucher Program or receiving another type of rental assistance.

STRMU is established in statute to prevent a household from becoming homeless and, therefore, can only be used to prevent eviction from or the loss of a housing unit that is occupied by qualified persons. Accordingly, STRMU can only be used to assist someone currently in housing as an intervention to prevent homelessness. STRMU assistance cannot be provided to a household that is homeless. STRMU may not be provided to assist households in moving into a new housing arrangement. STRMU may not be used for moving assistance, security and utility deposits, or first month's rent.

In addition, STRMU mortgage assistance may not be used for the following activities: Support for an open line of credit or loan that was secured by the house; taxes and insurance paid separately after the first or second mortgage is paid in full; assistance for payment towards personal loans or credit debts secured against the unit; assistance for a second mortgage when the first mortgage payments are not current; or down-payment assistance to support purchase of new unit. Furthermore, the costs of household supplies; furnishings; automobile/transportation repairs; and telephone, internet, and cable services are not eligible under STRMU.

4. Establishing Additional Service Restrictions

Project Sponsors may establish additional service restrictions for STRMU. HUD permits the use of local preference as a means of prioritizing benefits to those who are neediest. "Local Preferences" must be approved through HUD's Office of Fair Housing and Equal Opportunity (FHEO) to ensure that such practices do not discriminate or inadvertently exclude any persons either by design or omission.

5. Housing Status

Households must present evidence of residing in housing where they are either a tenant or mortgagor. STRMU is designed to help renters and homeowners remain in their current residence. As such, STRMU may not be provided to assist homeless households or households moving into new housing arrangements.

A. Rent

To receive STRMU rental assistance, households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant. As a general matter, if the eligible individual is not named on a valid lease either as a tenant or an occupant, the individual has no legal right to reside in the unit and is therefore unqualified for STRMU rental assistance. The following documents can also be used, but they are not preferred forms of documentation:

- Documentation that the individual has been responsible for rental payments (e.g., rental receipts, cancelled check, or copy of a money order from the tenant to the owner)
- Late payment notice or any other written communication from the owner to the tenant that provides evidence of tenancy
- If not named on the lease, any written documentation from the owner that the individual is a legal resident of the property

B. Mortgage

To receive STRMU mortgage assistance, households must demonstrate that they are the resident owner of mortgaged real property. Satisfactory evidence of ownership of encumbered property includes: A deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible individual or other household member as the property owner/debtor; or a valid, current title insurance policy identifying the eligible individual or other household member as the property owner/debtor. Project Sponsors should complete a careful assessment and an individual housing and services plan to determine that a household is able to maintain payments on mortgages after the period of assistance ends.

STRMU mortgage assistance may include costs for property taxes, insurance, and condo fees in some situations. Most homeowners are required to pay property taxes, mortgage insurance premiums, and/or fire and hazard insurance premiums as part of their monthly mortgage payment. For STRMU, to the extent that taxes, insurance, condominium fees, or other building operation costs are included in the monthly mortgage payment either by federal regulation or the terms of the mortgage, these expenses may be included in STRMU mortgage assistance payments. STRMU mortgage assistance for taxes, insurance, or condo fees that are not included on the monthly mortgage statement may not be paid.

STRMU mortgage assistance may include costs related to second mortgages. As a general matter, a second mortgage represents a lien on real property. Defaults on mortgages (e.g., nonpayment of loan(s), lapsed insurance, unpaid property taxes, etc.) may lead homeowners to foreclosure and eviction. STRMU provides short-term mortgage payments regardless of priority (i.e., the first or second mortgage) to eliminate the threat of homelessness for an adequately housed eligible person.

C. Utilities

To receive STRMU utility assistance, a household must present evidence of residing in the private unassisted unit legally and a household member must have an account in their name with a utility company. Individuals who have prior criminal histories, poor credit, or lack of rental history may not have utility accounts in their name; however, they may be responsible for paying these housing expenses. Such households must demonstrate proof of responsibility to make such payments by documenting a history of making payments and should not be excluded from receiving STRMU utility assistance based on the utility account not being in their name. For example, if a household's utility account is in someone else's name, a Project Sponsor could request a copy of the account holder's photo identification and a signed statement from the account holder confirming that the household is responsible for utility payments.

6. Evidence of Need

STRMU is needs-based and intended to benefit HOPWA-eligible households that are experiencing a financial crisis arising from their HIV status or a change in economic circumstances. To qualify for STRMU, households must provide proof of a recent short-term emergency situation that jeopardizes housing stability. Additionally, households must demonstrate that they do not have the resources to meet their rent, mortgage, or utility costs and that they would be at risk of homelessness in the absence of STRMU. When a household is unable to make payments for monthly housing costs, STRMU may be used for costs that cannot be paid or reimbursed by other available resources. Project Sponsors must assess that the household's needs are for actual costs, that other resources such as household income are not reasonably available to pay the housing costs, and that STRMU will alleviate the payment delinquency so as to avoid homelessness and result in, at a minimum, temporary stability for that household. Project Sponsors should also ensure that the household's on-going housing needs are assessed in connection with the development of an individual housing and services plan for the household.

Project Sponsors should establish a reasonable basis to quantify and verify the need for STRMU services. Also, Project Sponsors should be able to describe the unforeseen emergency and explain how it prevents or will

prevent the household from paying housing costs. A household budget review of these costs and assessment of inability to meet such costs should be completed by a housing case manager and documented in the household's file. Examples include, but are not limited to:

- A. A record of actual monthly bills for recurring costs, and evidence of the limited nature of household income along with limited available financial resources (i.e., balance on bank accounts).
- B. A housing case manager's assessment of "need" which includes a variety of elements such as current, previous, and future month's financial situation, employment and benefits status as well as HIV status.

Documentation in the form of a default/late payment notice is not required to demonstrate housing need. A late payment notice is only one of the methods that can be used to evidence a household's need for STRMU. Other ways to verify need and amounts owed include documentation of utility, mortgage or rent payments due and/or calls to the utility company, owner, or mortgage company prior to a late payment notice being issued, which could potentially help avoid added late fees as additional costs.

7. STRMU Caps

The Time Cap is defined as a specific number of days not to exceed 21 weeks (147 days) in a 52-week period (January 1 to December 31).

8. Amount of Assistance

Although STRMU does not require the household to pay a portion of their housing costs, assistance must not be used to relieve the household's responsibility to make housing payments in the absence of inability to pay. If a household is capable of paying some of their rent, mortgage, and/or utility costs, Project Sponsors may negotiate an appropriate household contribution amount. Such determinations limit STRMU assistance to the difference between the amounts due and the amount the household can pay. Project Sponsors should document any payments or contributions made by a household towards their rent, mortgage, and/or utility costs. This ensures that the full amount due is paid and avoids partial payments that may lead to evictions or utility cut-offs.

9. STRMU Outcome Measures

To measure the effectiveness of STRMU services, Project Sponsors should record household status outcomes on a tracking sheet. This information should be entered if the household will be disenrolled from the program or continue to the next annual eligibility period.

Permanent Housing Placement (PHP) Assistance

1. Purpose

Per 24 CFR 574.300(b)(7), PHP services may be used to help households establish permanent residence in which continued occupancy is expected. Project Sponsors that wish to provide PHP should consider their:

- A. Current program funds;
- B. Need for move-in assistance within their service area; and
- C. Capacity to maintain accounting records for returned security and utility deposits ("program income").

2. Eligible Costs

Housing Assistance Costs

Eligible PHP housing assistance costs include: Application fees; related credit, rental history, and background checks; utility hookup fees and deposits; first month's rent; and reasonable security deposits necessary to move persons into permanent housing. Security deposits may not exceed two months of rent. Security and utility deposits must be returned to the Project Sponsor when the assisted household leaves a unit. Project Sponsors must maintain a record of all deposits and make a good faith effort to recover program funds upon the household's departure from a unit.

3. Ineligible Costs

The following costs are not eligible under PHP: Costs for housing supplies, smoke detectors (owners are responsible for providing and maintaining smoke detectors for renters), standard furnishings, minor repairs to the unit associated with the move-in, and other incidental costs for occupancy of the housing unit.

4. Housing Status

PHP can assist households in finding and moving into affordable, permanent housing arrangements if long-term housing stability is not expected in their current arrangements. Similarly, if households are not living in a place meant for human habitation, PHP can assist households in establishing a permanent residence in which continued occupancy is expected. Owner/representative is unlikely to execute a lease agreement with the household if initial move-in costs have not been paid in advance. Every effort should be made to complete the HQS inspection and provide the initial move-in costs to ensure the owner/representative executes a lease agreement with the household.

5. Additional Requirements

Before providing PHP services, Project Sponsors must:

- A. Complete a HOPWA Application/Intake form.
- B. Perform the HQS inspection ensuring the unit passes and is eligible for HOPWA assistance.
- C. Maintain a tracking system for all PHP services/payments

6. PHP Outcome Measures

PHP services do not have outcome measures at this time.

Section 13. Reimbursements/Invoicing

All HOPWA funds are distributed by MFA on a reimbursement basis. In accordance with the annual Performance Agreement/HOPWA Contract, invoices are due to MFA by the 10th of the month. Invoices are submitted through MFA's online invoicing system. Instructions for creating an invoice are located on the home page of the invoicing system.

Eligible activities for HOPWA grant funds include the following:

7. TBRA

Direct Costs: Monthly rent subsidies paid to landlords on the household's behalf; Utility reimbursements (if applicable) for households whose portion of the rent is at or below zero

Service Delivery Costs: The staff time spent on qualifying a client for TBRA assistance – including staff costs for assessment for program eligibility; verifying income/assets; communication with landlords; conducting a housing inspection; staff mileage; the time spent processing, cutting, and mailing checks to landlords; and the cost of postage, envelopes, and check stock; office space, furniture, computers, internet, phone/cell phone for TBRA staff to conduct TBRA activities

8. STRMU

Direct Costs: Rent, mortgage, and utilities paid to landlords, mortgage company, or utility company on the household's behalf

Service Delivery Costs: The staff time spent on qualifying a client for STRMU assistance – including staff costs for assessment for program eligibility; verifying income/assets; communication with landlords or utility companies; the time spent processing, cutting, and mailing checks; and the cost of postage, envelopes, and check stock; office space, furniture, computers, internet, phone for STRMU staff to conduct STRMU activities.

9. PHP

Direct Costs: HOPWA funds to move a person into permanent housing (subsidized or market-rate housing is allowed, depending on the expense), including 1st month's rent only if the unit/client does not receive a subsidy; security deposits (as long as the expenditure is no more than the value of 2 month's rent in the new unit); application screening costs; and deposits for utility hook-ups.

Service Delivery Costs: The staff time spent on qualifying a client for PHP assistance – including staff costs for assessment for program eligibility; verifying income/assets; communication with landlords; the time spent processing, cutting, and mailing checks; and the cost of postage, envelopes, and check stock; office space, furniture, computers, internet, phone/cell phone for PHP staff to conduct PHP activities

10. Support Services

Direct Costs: Cost of approved, direct client assistance including, but not limited to, bus tickets, taxi vouchers, food pantry vouchers, mental health services, childcare, life skills, and money management classes

Service Delivery Costs: Ongoing psycho-social case management, mental health provider, or other approved staff salary; benefits and fringe; staff costs for assessment for program eligibility; verifying income/assets; paperwork; case notes; filing and other direct tasks; mileage to visit clients/transport clients; direct staff supervision (regarding direct supportive services work); office space, furniture, computers, internet, phone, cell phone for Support Services staff to conduct business

11. Admin

Direct Costs: Staff costs for general management, oversight, coordination, evaluation, and reporting on eligible activities. Grantees may use up to 3% of their total grant amount for administrative costs, and project sponsors (HOPWA service providers) may use up to 7% of the subaward from the grantee for administrative costs. Administrative costs do not include costs directly related to delivering eligible activities – as described above; those costs are eligible under each specific activity.

Service Delivery Costs: Prorated costs for office space, furniture, computers, internet, phone, etc., for staff to conduct administrative activities.

Section 14. Other Supporting Documentation

Project Sponsors must keep all supporting documents in the client's file. This includes copy of lease, mortgage, utility bills and/or ledgers for which housing assistance is provided. Project Sponsors must obtain new leases as old ones expire. The documentation must be current, predate service dates, and correspond with related service forms and check request vouchers. For example, check request vouchers must be present in the household's file and the requested amounts must correspond with the values on TBRA, STRMU and PHP forms.

A complete list of additional documents required to be kept in each client's file includes:

HOPWA Prescreen

Client ID/Affidavit of Residency

HIV Verification

Proof of Income, dated within 60 days (paystub, zero income affidavit, or self-attestation)

Income/Eligibility Worksheet (80% AMI – all HH members)

Lease, Mortgage Statement or Utility Bill

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Client Rights and Responsibilities

HMIS Consent (for each HH member)

HMIS Entry/Exit (for each HH member)

new clients: complete HMIS record; returning clients: annual or interim assessment only

HOPWA Application and Assessment

Client Budget Worksheet
Client Housing Plan (IHSP)
Release of Information (updated annually)
Documentation of Need
PHP Deposit Return Form (security deposits only)
Habitability Standards Checklist (when applicable) – must include year property was built
LBP Disclosure of Information (when applicable)
CO Detection Requirements Checklist (when applicable)
Rent Reasonableness (TBRA only)
Utility Allowance Calculation Form and Schedule (TBRA only)
Rent Calculation Worksheet (TBRA only)
Rental Assistance Landlord Agreement (HAP contract)

Note: Client File Documents may vary depending on type of assistance provided (STRMU, TBRA, PHP).

Section 15. Termination

When an assisted household is terminated from the program, Project Sponsors must document the reason for termination. Potential reasons for termination may include:

- Completed program
- Needs could not be met
- Criminal activity/Violence
- Non-compliance with program
- Death
- Disagreement with rules/persons
- Left for housing opportunity before completing program
- Reached maximum time allowed
- Unknown/Disappeared
- Other

Per [24 CFR 574.310(e)(2)(ii)], in terminating assistance to any household for program violation, Project Sponsor must provide a formal process that recognizes the rights of households to due process of law. This must consist of:

- Serving the household with a written notice containing a clear statement of the reasons for termination;
- Permitting the household to have a review of the decision, in which the participant is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel; and
- Providing prompt written notification of the final decision to the household.

Section 16. 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 establish eligibility for the HOPWA Program, establish eligibility for another housing program, or find alternative housing. This grace period cannot exceed one year.

Per 24 CFR 574.310(e), Project Sponsors must:

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

1. TBRA Assistance

The minimum grace period for households receiving TBRA assistance is one month of assistance from the end of the month in which the eligible individual died, was incarcerated, enrolled in substance use treatment, or entered hospice/long-term health care. The maximum grace period cannot exceed 12 months.

2. STRMU Assistance

The minimum grace period for households receiving STRMU assistance is one month of assistance from the end of the month in which the eligible individual died, was incarcerated, enrolled in substance use treatment, or entered hospice/long-term health care. The maximum grace period may not exceed 21 weeks within a 52-week period (January 1 to December 31).

Section 17. HUD Datasets

Project Sponsors must use current HUD Datasets to assess Area Median Income and Fair Market Rent.

1. [Area Median Income](#)

To be eligible for the MFA HOPWA Program, household annual gross income cannot exceed 80 percent of Area Median Income per the household's county of residence. Project Sponsors must collect proof of gross income for all household members 18 years of age and older (documentation must be complete and cover the 30 days preceding the eligibility certification or recertification date). The household annual gross income is from all sources anticipated to be received in the 12-month period following the determination date. Therefore, income must be annualized, e.g., payment amount multiplied by number of payment periods per year for all income sources.

2. [Fair Market Rent](#)

The gross rent of a TBRA-assisted unit cannot exceed the rent standard. The MFA HOPWA Program uses the published section 8 Fair Market Rent (FMR) for the unit size per the household's county of residence as the rent standard. HUD releases the new FMR standards every year in October. Once this list has been released by HUD, these rates become current.

HUD also allows MFA to use the local Housing Choice Voucher payment standard, determined by the local Public Housing Authority, to set the standard between 90% and 110% of the FMR. When MFA allows the service provider to use this payment standard that is above the FMR for a particular area, this process is called the "community-wide exception rent standard" and is approved by HUD. MFA may consider this option on a unit-by-unit basis for up to 20% of the HOPWA rental units assisted by any Project Sponsor within a 12-month period.

Whichever method or combination of methods are used by a service provider, documentation must be kept in the client's file to support the process used for setting the rent standard. 24 CFR 574.320(a)(2)

Section 18. Program Technical Assistance and Trainings

Project Sponsors who have program questions or need technical assistance beyond what MFA can provide may access direct support from HUD through the following links:

<https://www.hudexchange.info/programs/hopwa/>

<https://www.hudexchange.info/program-support/my-question/>

Section 19. Program Monitoring

HOPWA contracts are typically monitored annually by MFA. The need for a monitoring review is determined by the Risk Assessment. Low risk agencies may only require a financial or client file review while a medium or high-risk agency may require a full, on-site monitoring review. Some years may not require a monitoring at all. The [HUD Exchange](#) outlines some important reasons for monitoring the use of HOPWA funds:

- Ensure compliance with HOPWA and other federal requirements;
- Evaluate organizational and project performance;
- Ensure effective use of resources;
- Ensure production and accountability;
- Ensure responsiveness to community needs; and
- Identify potential compliance issues before they become serious violations.

MFA has updated the HOPWA Program-Specific Monitoring Tool and created a spreadsheet to track all client file documents. These updates will ensure the client files are closely monitored for HIV status, income verification, rent calculation, unit eligibility, HQS inspections, and other documentation required by HUD. Annual re-certifications will be reviewed for all TBRA clients. Time limits will be reviewed for all STRMU clients.

MFA will provide notice of a HOPWA agency monitoring 30 days in advance. The onsite monitoring visit usually consists of, but is not limited to, a review of the following:

- Agency program and fiscal policies and procedures
- Personnel files
- Client files
- Most recent board meeting minutes
- Confidentiality and Conflict of Interest forms, signed/dated by each board member within the last 12 months
- Fiscal review of randomly selected expenditures from 2 different months within the current program year, to include all supporting bank documents, receipts and cancelled checks (where applicable)

Following the monitoring process, an exit interview is held with agency staff to discuss any *findings, concerns or comments*. A monitoring results letter is sent to the agency within 30 days to provide feedback and any necessary steps of corrective action, when applicable.

Finding – this refers to a direct violation of a federal regulation and requires corrective action. Proof of correction must be sent to MFA within 30 days of the monitoring letter. Certain findings may result in an agency having to repay MFA if funds were not used for an eligible expense.

Concern – this refers to an issue which is not at present a violation of a regulation but may become one if not corrected. A concern also requires corrective action specified by MFA.

Comment – this refers to an operational issue that, if corrected, could improve the program overall. A comment does not require correction.

HUD may also monitor MFA and its subgrantees on compliance with HOPWA regulations. In this case, HUD will likely conduct a site visit at the HOPWA agency. MFA will notify the Project Sponsor as soon as dates are provided by HUD.

Note: As stated in **Section 1. Purpose and Use of the Program Manual**, this document is intended to provide a basic overview of the Housing Opportunities for Persons With AIDS (HOPWA) Program and its eligible activities and requirements.

Additional information, including complete federal guidelines, may be found in the following resources:

- [HUD Exchange HOPWA Page](#)
- HOPWA Rental Assistance Guidebook
- HOPWA Grantee Oversight Resource Guide
- HOPWA Program Administration Toolkit
- HOPWA trainings/webinars
- By submitting a question to the **Ask A Question (AAQ) portal** at:
<https://www.hudexchange.info/program-support/my-question/>