



Florida State HOPWA Program: Policies and Procedures

February 2016

Florida State HOPWA Program is administered by the DOH, HIV/AIDS Section, Patient Care Program, in Tallahassee, FL.

NOTE: This Florida State HOPWA Program: Policies and Procedures manual is an evolving document. Comments and suggestions from project sponsors and Housing Coordinators will be welcomed on how to improve it, so that everyone involved in the service delivery may work together to have a better understanding of the program. This will help ensure that Floridians who are experiencing a housing crisis and who have also been diagnosed with HIV/AIDS have access to safe, clean, affordable housing, and can take steps to achieve housing stability.

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Purpose

The purpose of this document is to provide uniform, consistent guidance on the Florida State HOPWA Program to assist local HOPWA project sponsors, County Health Departments, case management agencies, DOH staff, and any other parties responsible for the implementation of the day-to-day activities of the HOPWA program. These policies and procedures provide more detailed clarification for current activities, and serve as comprehensive guidance on the implementation of long-term permanent housing as a statewide activity. Standardization of these HOPWA policies and procedures improves service delivery, provides for fair and equitable access to services, and alleviates problems of inconsistency associated with local program guidelines.

The Florida State HOPWA Program Policies and Procedures are written in accordance with the federal regulations as authorized by the AIDS Housing Opportunity Act (AHOA) of 1990, and amended by the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992). The regulations of the program are governed by 24 CFR Part 574, as amended, Housing Opportunities for Persons With AIDS Final Rule, published in the Federal Register on April 11, 1994; 24 CFR Part 91, as amended, Consolidated Submissions for Community Planning and Development Programs; and CPD 06-07, issued August 3, 2006.

This document is written for both contract managers and the project sponsors.

- For contract managers, this document describes their roles and responsibilities, and provides assistance in developing project sponsor contracts and the monitoring of those contracts.
- For project sponsors, this document describes their roles and responsibilities, the provisions of the project sponsor contract, the requirements of subcontracts, and the monitoring of subcontractors.

This document includes requirements for client determination; allowable services and activities; and other requirements necessary to maintain compliance and continued funding from the U.S. Department of Housing and Urban Development (HUD) for the Florida State HOPWA Program. The policies and procedures included in this document were developed and coordinated by the Florida Department of Health (DOH), HIV/AIDS Section, Patient Care Unit, with assistance from Collaborative Solutions, Inc. (HUD technical assistance provider).

While this publication is intended to provide thorough and comprehensive documentation of program policies and procedures, some unique situations may not be adequately addressed here. For this reason, the Florida State HOPWA Program reserves the rights to amend, alter, or grant incidental exceptions to all policies outlined when allowable. This document is based on federal and state regulations, and any modifications must be approved by the DOH.

This document and any referenced manuals are updated to provide the most accurate, comprehensive information available. It is the responsibility of the **CONTRACT MANAGERS** and **PROJECT SPONSORS** to **ENSURE COMPLIANCE** with all updated policies and procedures, and referenced manuals.

Chapter 1: Introduction

Overview

The national Housing Opportunities for Persons with AIDS (HOPWA) Program was established by the AIDS Housing Opportunity Act of 1990, and revised under the Housing and Community Development Act of 1992 to provide housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. The HOPWA program provides states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low income persons with acquired immunodeficiency syndrome (AIDS) or related diseases and their families. Under the U.S. Department of Housing and Urban Development (HUD) HOPWA regulations, Section 24 C.F.R. Part 574, this program authorizes entitlement grants and competitively awarded grants for housing assistance and services.

HOPWA **FORMULA GRANTEES** receive funds based on a statutorily-mandated formula that relies on AIDS statistics from the Centers for Disease Control and Prevention (CDC). Approximately 90% of HOPWA funds are allocated to eligible cities on behalf of their metropolitan areas and to eligible states, with the remaining 10% awarded to competitive grantees based on a national competition. HOPWA formula grants are awarded upon submission and HUD approval of their Consolidated Plan pursuant to the Code of Federal Regulations (24 CFR Part 91), which is published by the Office of the Federal Register.

- Florida **STATE** HOPWA Program: States with more than 1,500 cumulative AIDS cases (in areas outside the EMSAs) are eligible to receive HOPWA formula grants. The Florida State HOPWA Program served persons living with HIV/AIDS (PLWHA) across the state and is administered by the DOH, HIV/AIDS Section, Patient Care Program, in Tallahassee. The Florida State HOPWA Program office has the lead responsibility for the management of the program. Florida received its first state HOPWA grant award in 1993. Florida State HOPWA Program service areas can be found at www.floridahopwa.org.
- Florida **CITY** HOPWA Program: Metropolitan statistical areas (MSA) with a population of more than 500,000 and at least 1,500 cumulative AIDS cases are considered eligible metropolitan statistical areas (EMSAs), which are eligible for direct HOPWA formula grants to address the needs of PLWHA residing within the respective MSA. In each EMSA, the largest city is identified as the HOPWA grantee and serves as the formula grant administrator and has lead responsibility for management of the program. EMSAs do not typically receive state HOPWA funds, and are not a part of the Florida State HOPWA Program except when the EMSAs **REDESIGNATE** their funds to the Florida State HOPWA Program. If the state HOPWA program funds exist **BEYOND AMOUNT REQUIRED** to meet 100% of the need in the state program service areas, then state funds may be eligible for use within EMSAs. Florida City (EMSA) HOPWA Program service areas can be found at www.floridahopwa.org.

The Florida State HOPWA Program is **FUNDED** through a HUD HOPWA Formula grant; **ADMINISTERED** by The Florida Department of Health (DOH) under the Division of Disease Control and Health Protection within the HIV/AIDS Section, Patient Care Unit; and **IMPLEMENTED** by contracted project sponsor agencies and county health departments located in ten (10) Ryan White Part B consortium and planning body areas throughout Florida.

Program Vision, Goals, and Guiding Themes

As the HOPWA grantee for the State of Florida, Florida Department of Health (DOH) embraces **PRINCIPLES** identified by HUD's Office of Community Planning and Development (CPD) to guide local planning for the use of HOPWA funds. The HOPWA program is committed to collaboration among all levels of government and the private sector, including non-profit organizations. The guiding principles are to provide decent, safe, and sanitary affordable housing, creating and maintaining a suitable living environment for low-income persons with HIV/AIDS.

The **VISION** of the Florida State HOPWA Program is to increase housing stability, and improve the quality of life for clients and their families.

The **GOALS** of the Florida State HOPWA Program are to prevent the condition of homelessness from occurring to individuals and families living with HIV/AIDS; or if already homeless, to transition individuals and families back into stable housing as soon as possible, as well as to create a strategy for long-term housing stability for persons living with HIV/AIDS.

The program places **EMPHASIS** on the connection between housing assistance and appropriate supportive services available through HOPWA and other funding sources (i.e., Ryan White Part B and state general revenue). This emphasis highlights DOH's commitment to ensure that those support services that contribute to stable housing are readily available to HOPWA clients.

The **OBJECTIVES** of the Florida State HOPWA Program are as follows:

- Establish or better maintain a stable living environment.
- Improved access to HIV treatment and other healthcare support.
- Reduce the risk of homelessness among people living with HIV/AIDS and their families.

Guidelines from HUD strongly encourage that HOPWA funding be administered in coordination with Ryan White programs. Funding received from this grant may not be used to replace other federal, state, or local funding.

The program **PROVIDES** financial resources for housing designed to prevent homelessness, including short-term rental, mortgage and utility assistance, long-term rental assistance, permanent housing placement and service coordination. These efforts work to assist clients in stabilizing their living situations, increasing their chances of achieving and/or maintaining self-sufficiency, and preventing homelessness.

The Florida State HOPWA Program adheres to HUD's reporting guidelines and tracks program **OUTCOMES** according to the following national performance measures:

- Increase the percentage of qualified clients/households able to establish or better maintain suitable stable housing.
- Improve accessibility to health care and other support services for qualified clients/households.
- Reduce the risk of homelessness among individuals and families living with HIV/AIDS.

Note: Any **ADDITIONAL** program-wide emphases identified and outlined in the Annual Action Plan can be found at www.floridahopwa.org.

HOPWA Regulations and Guidance

AIDS HOUSING OPPORTUNITY ACT

HOPWA was created through the National Affordable Housing Act of 1990, and authorized by the AIDS Housing Opportunity Act of 1992. It provides state and local governments with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with AIDS and their families. HOPWA Regulations 24 CFR, Part 574 were written based on the Act, and provide the requirements and framework for the HOPWA Program. The Act can be found at <https://www.hudexchange.info/resource/2934/aids-housing-opportunity-act/>.

HOPWA REGULATIONS

The HOPWA program rules in 24 Code of Federal Regulation (CFR), Part 574, provide the requirements and general standards for the HOPWA Program including information such as eligible activities, client qualifications, housing quality standards, standards regarding resident rent payments, administrative, and record keeping requirements as provided under the United States Housing Act of 1937.

OTHER APPLICABLE REGULATIONS

Further information regarding the below regulations can be found at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title24/24tab_02.tpl.

- **24CFR Part 5.609** are the HUD regulations defining the elements of a household's annual income that must be counted in determining income eligibility for HOPWA, Section 8, public housing, and other HUD-assisted housing programs serving persons with disabilities.
- **24CFR Part 5.611** are the HUD regulations requiring certain deductions be made to a household's gross annual income in order to arrive at a reasonable tenant rent payment in the HOPWA, Section 8, public housing, and other HUD-assisted housing programs serving persons with disabilities.
- **24CFR Part 5.617** are the HUD regulations requiring a disallowance of earned income by persons with disabilities residing in housing funded by HOPWA, Section 8, HOME and the Supportive Housing Program (SHP) upon returning to work after certain conditions have been met.
- **24CFR Part 58** are the HUD regulations requiring environmental reviews for a particular projects or activities funded by several HUD programs and for acquisition, rehabilitation, conversion, lease, repair, disposal, demolishing, or construct or property.
- **24 CFR Part 84** are the regulations for grants and agreements with institutions of higher, Hospitals, and other non-profits relating primarily to requirements for acquiring and disposing of goods and services purchased with federal funding, and the methods of documenting and accounting for those items.
- **24 CFR Part 85** are the regulations for grants and cooperative agreements to state, local and federally recognized Indian tribal governments for acquiring and disposing of goods and services purchased with federal funding, and the methods of documenting and accounting for those items.
- **24 CFR Part 35 and Part 574.635** are regulations for Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846) and lead-based paint poisoning notification requirements.
- **24 CFR Part 574.625** relates to Conflict of Interest. Non-profit agencies 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 are often part of an organization's "code of conduct" for board, staff, and volunteers. It is advisable to have a copy signed by all members listed above on an annual basis.
- **24 CFR Part 570.611** also relates to conflict of interest. Project sponsors must assure that no person who is an employee, agent, consultant, officer, or elected or appointed official and who

exercises or has exercised any functions or responsibilities with respect to the HOPWA program will be qualified for HOPWA assistance. Additionally, no person who may obtain a financial interest or benefit or have an interest in any contract, subcontract or agreement with the HOPWA program, either for himself or herself or for those with whom they have family or business ties will be qualified for HOPWA assistance during their tenure or for one year thereafter. The conflict of interest policy under the HOPWA regulations further stipulates that a conflict of interest exists for anyone in a position to participate in a decision making process or gain inside information about the HOPWA program, such individuals will not be qualified for HOPWA assistance.

- **Section 31** of the Federal Fire Prevention and Control Act of 1974 relates to Smoke alarm requirements.

OMB CIRCULARS

- **A-87, Cost Principles for State, Local and Indian Tribal Governments (05/10/2004) Relocated to 2CFR, Part 225** - This Circular establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments and federally-recognized Indian tribal governments (governmental units).
- **A-102, Grants and Cooperative Agreements with State and Local Governments (08/29/1997)** - This Circular establishes consistency and uniformity among Federal agencies in the management of grants and cooperative agreements with State, local, and federally- recognized Indian tribal governments.
- **A-110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (9/30/99)** - This Circular applies to sub-awards made by State and local governments to organizations covered by this Circular. Federal agencies may apply the provisions of this Circular to commercial organizations, foreign governments, organizations under the jurisdiction of foreign governments, and international organizations.
- **A-122, Cost Principles for Non-Profit Organizations (05/10/2004), Relocated to 2 CFR, Part 230** - This Circular establishes principles for determining costs of grants, contracts and other agreements with non-profit organizations. The principles are designed to provide that the Federal Government bear its fair share of costs except where restricted or prohibited by law. The principles do not attempt to prescribe the extent of cost sharing or matching on grants, contracts, or other agreements.
- **A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/26/07)** - This Circular is issued pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.

OTHER HOPWA GUIDANCE

- **Federal Funding Accountability and Transparency Act (FFATA):**
Grantees are required to submit information about their project sponsors (sub-grantees) in the Federal Funding Accountability and Transparency Act Sub-award Reporting System (FSRS). Grantees may consult a frequently asked questions list that has been posted on this website as well as registering to report in the system. HUD is also responsible for submitting their HOPWA grantees 'and other vendors' financial information to the FSRS system as "Prime Awardees", **and grantees are responsible for submitting data on their project sponsors (sub-grantees).**

- Annual Formula Operating Instructions:**
 These annual instructions provide program specific guidance that must be used in conjunction with the standard procedures for HUD's grants management process, such as Consolidated Plan. In addition to previous guidance, HUD may include new information that must be considered an additional requirement for program compliance by project sponsors. Each year they may be found on the HUD Exchange website at <https://www.hudexchange.info/hopwa/hopwa-operating-instructions/>.
- CPD Memorandum Restricted Use of HOPWA Funds for AIDS Drug Assistance and Other Healthcare Costs:**
 This memorandum provides guidance regarding the eligibility of AIDS drug assistance and other health-care costs under the Housing Opportunities for Persons with AIDS (HOPWA) Program. This guidance is provided to help ensure that activities under the HOPWA program are carried out in a manner that addresses the program's statutory purpose at 42 U.S.C. 12901 "to provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with acquired immunodeficiency syndrome and families of such persons." The guidance can be found at <http://archives.hud.gov/offices/cpd/aidshousing/library/adap.cfm>.
- HUD Notice CPD 03-05 for Manufactured Homes:**
 This notice provides guidance for the use of Housing Opportunities for Persons with AIDS (HOPWA) funds for tenant-based rental assistance (TBRA), short-term rent, mortgage, and/or utility assistance (STRMU) payments, or for move-in costs under permanent housing placement activities for qualified persons living in manufactured housing/mobile homes. Because HOPWA allows flexibility in its application, HUD has determined that HOME Investment Partnerships Program (HOME) guidelines may be referenced to support the use of HOPWA funds for this purpose. The notice can be found at <http://www.hud.gov/offices/cpd/lawsregs/notices/2003/03-05.pdf>.
- HUD Notice CPD06-07 for STRMU:**
 This notice published on August 3, 2006 establishes standards for operating a the Short-term Rent, Mortgage and Utility assistance (STRMU) program, including requirements for needs-based assessments, methods of calculating weeks of assistance, criteria to follow when establishing capped amounts, and the grantees responsibility to ensure that project sponsors apply STRMU standards in a uniform, consistent, and non-discriminatory manner. The notice can be found at <https://www.hudexchange.info/resource/2781/notice-cpd-06-07-standards-hopwa-strmu-payments-permanent-housing/>.
- STRMU Assistance:**
 This document published in November 2015 complements HUD Notice CPD 06-07, and offers updated guidance for providing Short-Term Rent, Mortgage, and Utility (STRMU) assistance under the HOPWA program. The information presented in this document defines the qualifications for STRMU assistance, outlines the use of HOPWA funds for STRMU, describes methods to determine the qualified period of assistance, and explains the waiver process. The document can be found at <https://www.hudexchange.info/resource/4843/hopwa-short-term-rent-mortgage-and-utility-assistance/>.
- Consolidated Annual Performance and Evaluation Report (CAPER):**
 The CAPER provides annual performance reporting on client outputs and outcomes that enables an assessment of HOPWA grantee performance in achieving the housing stability outcome measure. The CAPER fulfills statutory and regulatory program reporting requirements and provides the grantee and HUD with the necessary information to assess the overall program performance and accomplishments against planned goals and objectives. HOPWA sponsors are

required to submit a CAPER, and complete annual performance information for all activities undertaken during each program year in the IDIS, demonstrating coordination with other Consolidated Plan resources. HUD uses the CAPER to obtain essential information on grant activities, project sponsors, housing sites, units and households, and beneficiaries which includes racial and ethnic data on program participants. CAPER forms can be found at <https://www.hudexchange.info/resource/1011/hopwa-caper-form-hud-40110-d/>.

- **Integrated Disbursement and Information Systems (IDIS):**

IDIS is an online reporting system that allows HOPWA formula grantees to provide HUD with performance results related to their Consolidated Plan and Annual Action Plans. It is also the mechanism formula grantees utilize to draw reimbursement funds from HUD into their bank accounts. Grantees must set up all HOPWA activities in IDIS at the beginning of the year, and close out the grant in IDIS once all funding is expended from a particular award. Currently, to avoid issues with inconsistencies between HOPWA CAPER reporting requirements, as issued January 24, 2008 and the IDIS Online screens, formula grantees utilize the consolidated CAPER with IDIS Beneficiary Verification Worksheets to report beneficiary demographic data; however, once IDIS has been updated to reflect the most current HOPWA CAPER reporting format, the Beneficiary Worksheet will be discontinued. IDIS information can be found at <https://www.hudexchange.info/idis/guides/hopwa>.

- **HOPWA Grantee Oversight Guide:**

The HOPWA Grantee Oversight Guide provides HOPWA the sponsor and grantee with detailed guidance in fulfilling HOPWA grants management responsibilities. This guidance is a tool to be used by sponsors and the grantee in navigating responsibilities to achieve the HOPWA program's housing stability performance outcome measures of maintaining stable housing arrangements, reducing risks of homelessness, and improving access to care. Download the full guide (updated August 2010) at:

<https://www.hudexchange.info/resource/1003/hopwa-grantee-oversight-resource-guide/>.

- **HOPWA Financial Management Training:**

This resource is an online, virtual gateway to help grantees and project sponsors acquire the knowledge and practical tools needed to implement effective financial management as a part of their daily routine and effective operation of the HOPWA program. HOPWA financial management online training can be found at

<https://www.hudexchange.info/training-events/courses/hud-hopwa-financial-management-online-training/>.

- **Homelessness Assistance:**

This website is HUD's one-stop shop for information and resources for providers who are assisting persons who are homeless or at risk of becoming homeless, and persons with HIV/AIDS. Most relevant resources related to the HOPWA program, plus other valuable supportive housing resources can be found at <https://www.hudexchange.info/homelessness-assistance/>.

Program Components and Allowable Services per HOPWA Regulations

The Florida State HOPWA Program is **FUNDED** through a HUD HOPWA Formula grant; **ADMINISTERED** by The Florida Department of Health (DOH) under the Division of Disease Control and Health Protection within the HIV/AIDS Section, Patient Care Unit; and **IMPLEMENTED** by project sponsors which are

contracted agencies and county health departments that are located in ten (10) Ryan White Part B consortium and planning body areas throughout Florida.

HOPWA funds may be used to assist all forms of housing designed to prevent homelessness including emergency housing, shared housing arrangements, apartments, single room occupancy (SRO) dwellings, and community residences. Appropriate supportive services must be provided as part of any HOPWA assisted housing, but HOPWA funds may also be used to provide services independently of any housing activity. HOPWA funds fall into four main categories: Direct Housing Assistance, Supportive Services, Other Program Activities and Administrative Expenses.

The Florida State HOPWA Program provides the following **HOPWA SERVICES** to qualified individuals:

- Short-Term Rent, Mortgage, and Utility assistance (STRMU)
- Tenant-Based Rental Assistance (TBRA)
- Permanent Housing Placement (PHP)
- Short-term supported housing facilities (Transitional Housing)
- Resource Identification Services
- Housing Case Management
- Other Supportive Services including, but not limited to, nutritional services, mental health, drug and alcohol treatment; and assistance in gaining access to local, state, and federal government benefits and services.

Activities under the Florida State HOPWA Program are carried out in a manner that addresses the program's intent to devise **LONG-TERM STRATEGIES** for meeting the housing needs of persons with HIV disease and their families. To this end, the program allows **RESOURCE IDENTIFICATION** funds to be used on activities to establish, coordinate, and develop housing assistance resources for qualified persons. This includes conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives.

Since the lack of stable, available, and affordable housing continues to be stated as one of the most prevalent barriers to HIV care for clients, the DOH focuses on short-term and long-term rental assistance solutions rather than new construction, rehabilitation, or acquisition.

By coordinating HOPWA services through the Ryan White Part B consortia and planning bodies, HOPWA clients are afforded access to supportive services funded under Ryan White Part B and state general revenue programs including, but not limited to, medical care, transportation, insurance, dental, counseling services, and emergency financial assistance.

The below table (taken from CPD 06-07) clarifies how STRMU payments and other HOPWA allowable housing activities can be used to help households achieve more stable housing arrangements [as found at 24 CFR 574.300(b)].

Eligible HOPWA Activity (right) and type of benefit (below)	A. STRMU	B. TBRA	C. Housing Information Services	D. Permanent Housing Placement (PHP)	E. Housing Case Management as a Supportive Service
1. Rent payments (for households with a lease)	Yes, if within 21 week limit	Yes, if done with inspections for Housing Quality Standards and with resident rent payments	No	No	No
2. Mortgage payments (but not down-payment support for new units)	Yes, if within 21 week limit (for costs within the mortgage agreement)	No	No, but can be related support through information on homeownership programs	No	No
3. First month's rent and security deposits; credit checks	No	No	No	Yes, for reasonable costs to move persons to permanent housing, not to exceed 2 months of rent costs, including security deposits and fees for credit checks	No
4. Utility payments (gas, electric, water and sewer)	Yes, if within 21 week limit	Yes, if part of the rental payment	No	Yes, but only for one-time utility hookup and processing costs	No
5. Information and/or support to locate and apply for housing assistance	No	No	Yes, for costs for providing information and materials that inform clients of available housing	Yes, as support and help to complete PH applications, and eligibility screenings for tenancy or utilities for these units	Yes, such as counseling and help to develop a housing service plan to establish stable permanent housing
6. Move-in support, such as supplies, furnishings, incidental costs, and minor repairs of housing units	No	No	No	No, however programs may coordinate with leveraged resources and donations for these purposes	No
7. Other elements	No	No	No	Life skills and housing counseling on unit cleaning, maintenance and household budgeting	Help to access other benefits, such as health-care and other supportive services

Identifying HIV Housing Needs in Florida

The lack of stable, available, and affordable housing continues to be stated as one of the **MOST PREVALENT BARRIERS** to care identified by clients across the State. In some areas of the state, the percentage of homelessness among those living with HIV/AIDS is almost twice the rate observed in the general population. Ensuring homeless persons living with HIV/AIDS are linked and retained in care continues to be a challenge, regardless of rural or urban geographic locations. Housing stability has been

proven as a major determinant in a client's ability to access and maintain HIV medical care, especially for clients also experiencing extremely low incomes, food insecurity and other competing life demands.

The DOH, HIV/AIDS Section, Patient Care Unit, used several mechanisms that have undergone continuous improvement over the years to determine the needs of persons living with HIV in the State. The HIV/AIDS Section requires all 14 geographical areas of the state to provide service delivery and demographic usage data in order to assess statewide use of services and to evaluate program effectiveness. This information is used in conjunction with needs assessment data to develop a **STATEWIDE COORDINATED STATEMENT OF NEED** that addresses the core services every client is intended to receive.

Federal and state guidelines require that HOPWA activities are administered in conjunction with Ryan White Title II Consortia to promote maximum coordination between various funding sources of HIV services. The statewide **PATIENT CARE PLANNING GROUP (PCPG)** and local **CONSORTIA / PLANNING BODIES** are required to conduct a comprehensive needs assessment of their communities every three years and provide an annual update. They are required to review HIV/AIDS epidemiological data, demographic information from clients served and from communities, conduct focus groups and surveys, develop resource inventories, review provider capacity needs and provider capacity profiles, assess service gaps, and conduct client satisfaction surveys. The PCPG needs assessment process is coordinated with other funding streams and will continue to provide needs assessment outcomes, planning and prioritization recommendations to DOH for the Florida State HOPWA Program.

The DOH recognized the need for consistent reporting within the state, and collaborated with the Institute for Health, Policy, and Evaluation Research in 2004 to create a standardized data collection protocol and needs assessment survey for persons living with HIV/AIDS. When the DOH sought to refine and improve the survey in 2009, a housing component was incorporated within the tool to lessen the burden on clients to complete multiple surveys while providing the Florida State HOPWA Program with the necessary information to assess housing needs, barriers, and service gaps more effectively. In early 2013 when this survey needed to be updated again, it was acknowledged that the housing component needed to be more comprehensive and a separate more in-depth housing survey would be needed. Therefore, the housing component of the 2010 survey was deleted, and the program is working to develop this separate, more **COMPREHENSIVE HOUSING NEEDS ASSESSMENT SURVEY**.

Chapter 2: HOPWA Program Administration

The local contracts are managed by the **DOH CONTRACT MANAGER** for that area and align with state's fiscal year from July 1 to June 30. The project sponsors administer the program in a designated geographical area, the majority of which are rural. If the terms of the contract between the DOH and the project sponsor are violated, additional funds to the specified area could be jeopardized until satisfactory resolution is achieved.

Grantee-Level Roles and Responsibilities

The Florida Department of Health (DOH) is the **GRANTEE** for the federally funded Florida State HOPWA Program. The HIV/AIDS Section, Patient Care Program, is the designated office within the DOH that has

the lead responsibility for management of this statewide program. As the grantee, the DOH contracts with local community organizations and county health departments (CHDs) as **PROJECT SPONSORS** to provide HOPWA services in ten (10) Ryan White Part B consortium geographical areas throughout the state.

In addition to the Florida State HOPWA Program, DOH manages a variety of other HIV/AIDS patient care programs including the following:

- Ryan White Part B
- Emerging Communities
- General Revenue Patient Care Network (PCN).

The federally funded Florida State HOPWA Program serves those areas of the state that do not directly qualify for HOPWA funding as Eligible Metropolitan Statistical Areas (EMSAs). The counties not included in the state program's service areas qualify as EMSAs, and receive funding directly from HUD. The local level manages these funds. The DOH may administer grant funds designated by HUD to a specific EMSA under an annual re-designation agreement. See the following attachment for additional information on coverage by service area and annual re-designations.

Florida's **RYAN WHITE PART B HIV/AIDS STATE and LOCAL PLANNING BODIES** are responsible for providing recommendations to the DOH relating to HOPWA program qualifications, as well as other requirements that may be more restrictive than those outlined in the federal and state regulations. Since the DOH, as the state HOPWA grantee, is ultimately responsible and accountable to HUD for the state program activities, the DOH reviews the recommendations within the parameters of the **STATE and FEDERAL** requirements before implementation.

The Florida State HOPWA Program seeks to address the housing needs of qualified persons associated with the challenges of living with HIV/AIDS by accomplishing the following housing objectives:

- Establish or better maintain a stable living environment.
- Improved access to HIV treatment and other healthcare support.
- Reduce the risk of homelessness among people living with HIV/AIDS and their families.

Guidelines from HUD strongly encourage that HOPWA funding be administered in coordination with Ryan White programs. Funding received from this grant may not be used to replace other federal, state, or local funding.

The **DOH, HIV/AIDS SECTION, PATIENT CARE PROGRAM**, enters into contracts with project sponsors to provide housing services to PLWHA and their families in compliance with HUD HOPWA program requirements.

The following represent some of the DOH's **ROLES and RESPONSIBILITIES** as a HOPWA grantee:

- Develop and coordinate statewide policies and procedures.
- Prepare and submit the statewide HOPWA grant application to HUD.
- Act as fiscal administrator of all HOPWA funds.
- Ensure compliance with all HOPWA requirements (includes all policies and procedures, and referenced manuals).
- Ensure HOPWA is the payer of last resort.
- Prepare and review the HOPWA contracts.

- Respond to all federal and state programmatic and reporting requirements.
- Monitor and audit HOPWA activities of project sponsors.
- Facilitate statewide trainings.
- Provide technical assistance.

Project Sponsor-Level Roles and Responsibilities

The project sponsors play an essential role in providing HOPWA housing and support services to the HIV/AIDS population. The Florida State HOPWA program relies on agencies and county health departments (CHD) to provide services directly to PLWHA. These project sponsors are responsible for administrative and fiscal reporting, and other HOPWA-related duties as specified in the contracts. The DOH enters into contractual agreements with project sponsors that may subcontract with other service providers.

The following represent some of the agency / CHD's **ROLES and RESPONSIBILITIES** as HOPWA project sponsors:

- Sign their HOPWA contracts with the state.
- Develop and execute subcontracts, if applicable.
- Process invoices from subcontractors, if applicable.
- Reimburse subcontractors, if applicable.
- Submit program and financial reports to the state.
- Ensure client satisfaction surveys are conducted and reviewed.
- Provide technical assistance to subcontractors, if applicable.
- Monitor subcontractors, if applicable.
- Facilitate the provider selection process through competitive procurement, if subcontracting.
- Develop and ensure emergency procedures in preparation for disasters.
- Ensure staff are appropriately trained.
- Provide technical assistance.
- Administer needs assessments as required.
- Ensure data is being entered into CAREWare as required.

In some areas of the state, the CHDs serve as the project sponsors assuming the administrative, fiscal, and other responsibilities for their area. For these CHDs, the DOH puts the funding on **SCHEDULE C** and includes an instruction letter stating the requirements for using the funds. The CHDs prepare and submit HOPWA budgets using the budget narrative and the budget summary formats provided as part of the contract templates. This budget is subject to programmatic and administrative review. CHDs serving as project sponsors are subject to the same programmatic and monitoring requirements as other project sponsors. The State HOPWA Program Coordinator **SERVES as MONITOR** for the Schedule C requirements. Project sponsors are required to maintain and submit, upon request, back-up documentation for all expenditures charged to HOPWA as reported in the AIDS Information Management System (AIMS) 2.0.

Determining Project Sponsors Through RFP

The Request for Proposal (RFP) is the **COMPETITIVE PROCUREMENT MECHANISM** used to:

- Determine the service providers awarded HOPWA contracts through DOH.

- Ensure the State pays a fair and reasonable price for services.
- Enhance the quality, availability, and collaboration within the state housing program.
- Outline all federal and state requirements for the Florida State HOPWA Program.
- Describe the provision of services and administrative oversight throughout the State.

Project Sponsor Contracts and Responsibilities

The local contracts are managed by the **DOH CONTRACT MANAGER** for that area and align with state's fiscal year from July 1 to June 30. The project sponsors administer the program in a designated geographical area, the majority of which are rural. If the terms of the contract between the DOH and the project sponsor are violated, additional funds to the specified area could be jeopardized until satisfactory resolution is achieved.

The HOPWA contract package must be put together by the contract manager and must include the State of Florida DOH Standard Contract (includes DOH and provider requirements), Attachment I (includes HOPWA services to be provided, tasks, deliverables, financial consequences, payment information, and other contract provisions), budget, as well as other DOH and HOPWA program required attachments and working papers (e.g., budget narrative). It is recommended that contract negotiations begin at a minimum of three to four months prior to the beginning of the respective contract year so there is no delay in services.

Contact the Division of Disease Control and Health Protection Contracts Unit staff for DOH specific documents for the contract package; and contact Florida State HOPWA Program staff for HOPWA program specific documents for the contract package.

The Florida State HOPWA Program bases its **ANNUAL AREA FUNDING ALLOCATION** on the cumulative number of reported living HIV/AIDS cases in the ten (10) consortium geographical areas, each area's proportionate share of the cumulative number of living HIV/AIDS cases, utilization rates, and available funds. This formula allocation methodology is reviewed periodically and the DOH takes recommendations into account prior to making final annual allocation decisions. Program funds are **DISTRIBUTED GEOGRAPHICALLY** according to the state Annual Action Plan to provide housing services allowed by federal regulations for qualified individuals and families living with HIV/AIDS.

An allocation under the Florida State HOPWA Program's allocation methodology is subject to change year to year due to such variables as the level of appropriation for Florida's program; the proportionate percentage of the cumulative number of reported living HIV/AIDS cases in each consortium geographical area; and the amount of unexpended funds from the prior fiscal year(s). Accordingly, **ANNUAL CHANGES IN FUNDING** (increases or decreases) are applied across the board proportionately using a percentage allocation. The increase or decrease is applied to the base funding level, and is reflected in the DOH's contract with the project sponsor.

A minimum of 97% of Florida State HOPWA Program allocation is committed to project sponsors carrying out statewide eligible services and activities. As the HOPWA direct grantee, the DOH may use up to 3% of the total HOPWA funds for **GRANTEE ADMINISTRATIVE EXPENSES** (e.g., costs for general management, oversight, coordination, evaluation, and reporting on eligible activities).

Project sponsors must adhere to the following **BUDGET CONSTRAINTS**:

- No more than 7% of the project sponsor's total contract amount to be spent on administrative costs.
- No more than 5% of the project sponsor's total direct care budget on resource identification.
- No more than 35% of the project sponsor's total direct care budget on allowable supportive services including, but not limited to, nutritional services, mental health, drug and alcohol treatment; and assistance in gaining access to local, state, and federal government benefits and case management services (does not include permanent housing placement).

All HOPWA contracts with project sponsors will comply with both **FEDERAL AND STATE REQUIREMENTS** pursuant to 24 CFR, Part 574.310 (<https://www.hudexchange.info/resource/2936/24-cfr-part-574-housing-opportunities-for-persons-with-aids/>), CPD 06-07 (<https://www.hudexchange.info/resource/2781/notice-cpd-06-07-standards-hopwa-strmu-payments-permanent-housing/>), STRMU Assistance (<https://www.hudexchange.info/resource/4843/hopwa-short-term-rent-mortgage-and-utility-assistance/>), and DOHP 250-14-11, Contractual Services Policy and Procedures (http://dohiws.doh.state.fl.us/Divisions/Administration/Gen_Services/Policies/DOHP250-14.pdf). Project sponsors should also follow guidance in the HOPWA Grantee Resource Oversight Guide (<https://www.hudexchange.info/resource/1003/hopwa-grantee-oversight-resource-guide/>), which is a resource used to understand basic program administration responsibilities, eligible activities and other program elements.

Subcontractors

The project sponsor may **SUBCONTRACT** for HOPWA services under their contract, but must adhere to the following guidelines:

- The project sponsor is ultimately **RESPONSIBLE for ALL** of the activities in the contract whether done by them or through subcontractors. Therefore, all subcontracts must be written consistent with the HOPWA project sponsor contract (i.e., the subcontract will be the same as the project sponsor contract with minor modifications specific to the subcontractor, if necessary).
- No subcontracts are to be executed prior to execution of the primary contract between the project sponsor and DOH.
- Services and payment for subcontracted services cannot begin prior to the execution of a signed contract.
- All subcontracts must contain language and restrictions similar to the primary project sponsor contract, which includes HOPWA services/activities to be provided, tasks, deliverables, financial consequences, payment information, and other contract provisions.
- Project sponsors must ensure that subcontracts are in compliance with the primary project sponsor contract, and must complete required forms as part of the subcontracting process. Contact the Division of Disease Control and Health Protection Contracts Unit staff for DOH specific documents for the subcontract package; and contact Florida State HOPWA Program staff for HOPWA program specific documents for the subcontract package.
- Project sponsors are required to provide the contract manager with **ELECTRONIC COPIES** of all subcontracts written for HOPWA funds **WITHIN 60 DAYS** of execution.
- The contract manager will **POST** the electronic copies of the subcontract, budget summary, and budget narrative in the contracts folder on the DOH's shared drive **WITHIN 30 DAYS** of receipt.
- All subcontracts must be prepared using the same budget guidelines as the project sponsor. During the contract review process, the allocations for administrative costs and direct care costs

will be compared with the prior year's allocation for significant increases, decreases, or eliminations.

- **In the project sponsor's budget narrative, subcontracted FTEs and the dollar amount allocated to each one MUST be listed out.**

Monitoring

Ultimately, the grantee is responsible for all project activities and project sponsors funded with HOPWA, as well as responsible for ensuring that their respective project sponsors carry out activities in compliance with all applicable requirements in 24 CFR, Part 574.500(a). Effective management and oversight is fundamentally a collaborative process among the grantee, project sponsor, and HUD, with all entities working towards achieving program goals. The primary objective is to establish a constructive relationship which allows the grantee, the project sponsor, and HUD to work together to manage limited resources and nurture quality housing programs for low-income individuals and families living with HIV/AIDS.

Ongoing oversight and performance assessments helps the grantee and the project sponsor ensure that projects are effective and that sponsors run them in compliance with program guidelines. With active oversight of performance, financial systems, and specific activities, the grantee can determine if a project is effectively meeting the housing-related needs of persons living with HIV and AIDS in a community. The grantee will perform two types of monitoring: desk monitoring where financial and other information may be reviewed via mail/e-mail or by performing on-site monitoring visits.

When scheduled, Florida State HOPWA staff will arrive to perform an on-site monitoring visit. Upon their arrival, an appropriate space will be provided by the Project Sponsors that allows for review of confidential client files, interviews with agency staff, and reviews of any documentation that was not provided prior to the monitoring visit. It should be noted that desk monitoring as well as on-site monitoring may be scheduled at any time to assure compliance.

Management assessment has a few key goals:

1. Ensures accountability.

Project monitoring can determine if a project sponsor is delivering housing and related services in compliance with the HOPWA program and other standard federal requirements. HOPWA funds are very flexible and can be used for a variety of activities. These activities come with standards designed to ensure that funds are used to support decent, affordable housing to qualified households in a cost-effective and efficient manner. Noncompliance with these standards can result in corrections and penalties, such as having to repay funds to the federal government, which would be costly for both grantees and sponsors. Active oversight between grantees and sponsors helps ensure that HOPWA dollars are being spent well.

2. Ensures effective and efficient use of resources.

HOPWA funds are typically spent by local non-profit organizations with close ties to the community, which is one of the strengths of the program. For many community organizations (small ones, especially), difficulties around infrastructure and capacity can sometimes arise and lead to issues with the timely use of funds, undertaking ineligible activities or inadequate documentation of activities. When organizations undergo staff changes, if staff are not well trained on program requirements or if they have unclear operational procedures, compliance problems can result. Oversight can help a grantee identify a sponsor's administrative strengths

and weaknesses. Based on this, the grantee can request corrective action and provide technical assistance to the sponsor.

3. *Helps assess response to community needs.*

The nature of the HOPWA program allows grantees to target HOPWA activities in response to specific local needs. Many HOPWA projects address very particular needs within the community that have been identified through community planning processes. Regular monitoring, including the remote review of performance reports and financial data along with on-site visits, helps grantees see if needs are being met, if performance is consistent with project plans and if resources should be redirected or restructured in some way.

Monitoring Project Sponsors

The DOH has a comprehensive contract management process that ensures contracting methods are administratively efficient and clear to contract managers. State HOPWA contract monitoring must be in accordance with federal and state requirements as previously referenced. DOH contract managers at the local level are responsible for enforcing HOPWA contract terms and conditions, including monitoring project sponsors for compliance with performance standards, Florida Statutes, federal regulations, and DOH policy. The DOH's process encourages optimal project sponsor performance. Project sponsors are required to have an on-site monitoring at least once during the contract year. A written report is submitted to project sponsors clearly identifying strengths, weaknesses, and areas of concern. Adverse findings are addressed with corrective action plans or other appropriate measures. Corrective action requirements are specific with timeframes and suggested methods for correction. The DOH staff provides follow-up site visits and technical assistance. Non-compliance with required corrective action(s) may result in delayed or no reimbursements for project sponsor services, or termination if non-compliance issues remain beyond the corrective action timeline indicated. The DOH uses a standardized monitoring tool for programmatic monitoring of HOPWA project sponsors.

Programmatic Monitoring Frequency

Consistent with DOHP 250-14-11, all project sponsors must be monitored by the contract manager at least once during the contract period. HOPWA contracts should be monitored according to the following:

- New project sponsors shall be monitored within the first three (3) months after start of the contract.
- Previous project sponsors shall be monitored within the first six (6) months after start of the contract.
- Renewals or subsequent years (in the case of multi-year contracts) shall be monitored at least once during the contract year.

Additional monitoring may be conducted as needed to ensure HOPWA project sponsors comply with contract requirements. The HIV/AIDS Section's State HOPWA Program Coordinator will monitor county health departments (CHDs) serving as the project sponsor.

The need for corrective actions discovered during a monitoring must be clearly noted along with a reasonable time frame allowed for resolution. Documentation reflecting resolution of corrective action(s) must be reported to the contract manager. The contract manager and project sponsor must follow the appropriate corrective action procedures that are currently in place.

Monitoring Tool

For DOH contract managers, a Florida State HOPWA Program Contract Monitoring Tool template containing the programmatic monitoring is provided in advance of the required monitoring timeframe.

The Florida State HOPWA Program Contract Monitoring Tool should be adapted to reflect the contract negotiated by the contract manager and project sponsor, and include any additional agreements and allowable activities agreed to by both to conform to their needs. While this serves as a template, it includes REQUIRED elements as per the RFP, Attachment I, DOH contract policies and procedures, Florida State HOPWA Program guidelines, and HUD's *HOPWA Grantee Oversight Resource Guide*. Therefore, all of the items listed in the tool CANNOT be deleted (just check the box of "N/A" for an item that is "Not Applicable") nor the rating system altered. However, items may be added as deemed necessary. The HOPWA contract monitoring tool template should only be modified to reflect additional contract provisions specific to an area.

At the top of the first page of the HOPWA contract monitoring tool, insert the following information: project sponsor name, project sponsor address, project sponsor contact name, contract number, contract monitor's name, area, site visit date, and reporting date.

The "**Project Sponsor Contract Requirements**" are listed in the first column of the tool.

In the column labeled "**Rating**," check one box for each corresponding HOPWA contract provision: 1=Unacceptable, 2=Conditionally Acceptable, 3=Fully Met Requirements, 4=Exceeded Requirements, or N/A=Not Applicable.

In the column labeled "**Ratings Based Upon**," all provisions must be verified by at least one of the following: I=interview(s) with project sponsor staff, O=direct observation by the contract manager, and/or D=supporting documentation. Also, list who and what regarding these verifications.

In the column labeled "**Notes**," an explanation is required for ratings of "Conditionally Acceptable" (rating of "2") or "Unacceptable" (rating of "1") for any contract provision, as well as attach any supportive documentation (if available). Also, comments are required when provisions are rated "Exceeded Requirements" (rating of "4").

Monitoring of Subcontractors

Project sponsors are responsible for:

- Providing a list of projected monitoring dates to the contract manager within 30 days of the start of contract.
- Monitoring subcontracted providers for compliance with the subcontract, and providing the monitoring reports to the DOH contract manager.
- Supporting subcontracted providers with technical assistance as needed.
- Reviewing and monitoring the data subcontractors are required to enter into CAREWare.
- Being familiar with HUD monitoring standards as set forth in the *HOPWA Grantee Oversight Resource Guide*; as well as CFR, Part 574; CPD 06-07; and *STRMU Assistance*.
- Ensuring that subcontractors (especially new subcontractors) have sufficient infrastructure to support their contracts and meet their deliverables. Assessing the viability of subcontractors

includes reviewing the organization's most recent audit. The area HIV/AIDS Program Coordinator (HAPC) and contract manager should be notified if there are concerns about viability.

Contract managers are responsible for:

- Obtaining a list of projected monitoring dates from the project sponsor within 30 days of the start of each subcontract.
- Monitoring the project sponsor for compliance with the contract, and providing the monitoring reports to the DOH's Contract Unit and State HOPWA Program Coordinator within 20 working days of the monitoring.
- Supporting project sponsors with technical assistance as needed.
- Reviewing and monitoring the data project sponsors are required to enter into CAREWare, and the reports required for submission to the Reporting Unit.
- Being familiar with HUD monitoring standards as set forth in the *HOPWA Grantee Oversight Resource Guide*; as well as CFR, Part 574; CPD 06-07; and *STRMU Assistance*.
- The HOPWA contract monitoring tool template is provided to contract managers via the shared drive and to project sponsors via e-mail upon request.

HUD Monitoring Elements

HUD has developed and provided clear guidance to HOPWA grantees and project sponsors on HUD expectations in terms of monitoring provider performance. These monitoring elements provide benchmarks that meet both federal legislative and regulatory guidelines, and represent sound practice. The *HOPWA Grantee Oversight Resource Guide* provides HOPWA grantees with detailed guidance in fulfilling HOPWA grants management responsibilities regarding the oversight of project sponsors (**Note:** In the context of the *HOPWA Grantee Oversight Resource Guide*, "grantee" refers to the Florida Department of Health, HIV/AIDS Section, or its designee, including the DOH contract manager). This guidance is a tool to be used by grantees for grants management responsibilities to achieve the HOPWA program's housing stability performance outcome measures of maintaining stable housing arrangements, reducing risks of homelessness, and improving access to care. However, this guide is not only for the HOPWA grantee; project sponsors/subcontractors should also review this guide because the guide is structured to provide them with an understanding of their responsibilities and how they will be monitored on them.

HUD relies on HOPWA grantees to maintain an active partnership with project sponsors in using HOPWA resources in a responsive and accountable manner. This guide provides grantees and project sponsors with an understanding of the various federal laws and regulations that govern the use of HOPWA resources, and will help them conduct internal reviews to determine current compliance efforts and to identify actions in need of further attention. This guidance focuses on basic operations and compliance with HOPWA and other federal regulations. It provides grantees and project sponsors with the tools and information required to understand and comply with federal grants management requirements.

In the *HOPWA Grantee Oversight Resource Guide*, "agreements" refer to contracts, subcontracts, memoranda of agreement, or other similar written agreement, and Schedule C instruction letters.

In the *Florida State HOPWA Program Policies and Procedures*, "contract manager" can be either the DOH contract manager or the contract manager for the project sponsor responsible for monitoring subcontractors with whom they have signed agreements.

The applicable HUD monitoring elements from the *HOPWA Grantee Oversight Resource Guide* have been incorporated into the State HOPWA Program Contract Monitoring Tool. It is the project sponsor's/subcontractor's and contract manager's responsibility to be familiar with these elements.

DOH Monitoring Elements

The contract manager is required to use the contract monitoring tool containing the DOH monitoring elements that has been developed by DOH's Contract Administration to monitor all client service contracts, as well as incorporate the monitoring elements as per HUD HOPWA guidelines. The tool is modified by the Florida State HOPWA Program to include other DOH monitoring elements as referenced in the Attachment I, as well as the HUD HOPWA monitoring elements.

State HOPWA contract monitoring must be in accordance with *DOHP 250-14-11, Contractual Services Policy and Procedures*.

Local Community Resources

Project sponsors are encouraged to **DEVELOP RELATIONSHIPS** with local community-based organizations, shelters, homeless coalitions, and other charitable organizations to facilitate information and referrals to clients in order to meet the additional needs not available through the Florida State HOPWA Program. Project sponsors are also encouraged to **USE PUBLIC and COMMUNITY RESOURCES** to address the critical housing needs of HOPWA clients, to prevent homelessness, and to reduce the cost of services whenever possible to enhance client integration into the community. Project sponsors shall assign a representative to **PARTICIPATE IN THE LOCAL CONTINUUM OF CARE HOMELESS PLANNING PROCESS**. Information gathered through the annual report and the HIV/AIDS planning process regarding needs and barriers of persons living with HIV/AIDS shall be disseminated to the local Continuum of Care coordinators.

Federal and Statewide Online Resources

- <https://www.hudexchange.info/>
- HOPWA Confidentiality User Guide
<https://www.hudexchange.info/resource/3296/hopwa-confidentiality-user-guide/>
- CPD Income Eligibility Calculator
<https://www.hudexchange.info/incomecalculator/>
- HUD Program Income Limits
<http://www.huduser.org/portal/datasets/il.html>
- HOPWA Rental Assistance Guidebook
<https://www.hudexchange.info/resource/2818/hopwa-rental-assistance-guidebook/>

- HUD Lead-Based Paint Visual Assessment Training Course
<http://www.hud.gov/offices/lead/training/visualassessment/h00100.cfm>
- HOPWA Performance Management
<https://www.hudexchange.info/hopwa/hopwa-performance-management-and-monitoring>
- IDIS Guides, Tools and Webinars for the HOPWA Program
<https://www.hudexchange.info/idis/guides/hopwa>
- Getting to Work: A Training Curriculum for HIV/AIDS Service Providers and Housing Providers
<https://www.hudexchange.info/training-events/dol-hud-getting-to-work-curriculum-for-hiv-aids-providers/>
- Permanent Housing Placement Service Fact Sheet
<https://www.hudexchange.info/resource/1014/permanent-housing-placement-services-fact-sheet/>

Other long-term permanent housing assistance and/or programs include:

- HOPWA Project-Based or Tenant-Based rental assistance and facility-based housing
<https://www.hudexchange.info/hopwa>
- Housing Choice Vouchers (formerly Section 8)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv
- HUD-Veterans Affairs Supportive Housing (HUD-VASH)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash
- Continuum of Care (CoC) Program
<https://www.hudexchange.info/programs/coc/>
- Public Housing
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph
- HOME Investment Partnerships Program
<https://www.hudexchange.info/programs/home/>
- Section 811 Supportive Housing for Persons with Disabilities Program
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/grants/section811ptl
- Section 202 Supportive Housing for the Elderly Program
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/eld202

- Low-Income Housing Tax Credits
http://lihtc.huduser.gov/agency_list.htm
- United States Department of Agriculture Housing Assistance
http://www.usda.gov/wps/portal/usda/usdahome?navid=HOUSING_ASSISTA
- HOPWA Grantee Oversight Resource Guide
<https://www.hudexchange.info/resource/1003/hopwa-grantee-oversight-resource-guide/>
- HUD Exchange – Ask A Question Help Desk
<https://www.hudexchange.info/get-assistance/my-question/>
- HUD Exchange – Request Technical Assistance
<https://www.hudexchange.info/technical-assistance/>
- HIV/AIDS Section
www.floridaaids.org
- Florida State HOPWA Program
www.floridahopwa.org
- U.S. Department of Housing and Urban Development (HUD)
www.hud.gov
- HUD, Office of Community Planning and Development (CPD) (includes HOPWA Program and other CPD resources)
www.hud.gov/cpd
- HUD Fair Market Rents - Rent Limits (annual)
<http://www.huduser.gov/portal/datasets/fmr.html>
- Florida Department of Economic Opportunity, Low-Income Home Energy Assistance Program
www.FloridaJobs.org/LIHEAP
- Florida Housing Finance Corporation (Florida housing resources)
www.floridahousing.org
- Florida Supportive Housing Coalition (Florida housing resources)
<http://www.fshc.org>
- Florida Housing Search (search to find available and affordable housing in Florida)
www.floridahousingsearch.org
- Florida Housing Data Clearinghouse
www.flhousingdata.shimberg.ufl.edu

- Florida Disaster Resources
www.floridadisaster.org
- Federal Grant Opportunities (published for every federal agency)
www.grants.gov
- Office of Fair Housing and Equal Opportunity (FHEO)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/aboutfheo/aboutfheo
- Florida Commission on Human Relations (FCHR)
<http://fchr.state.fl.us/>

Program Income and Additional Sources of Leveraging Funding

The Florida State HOPWA Program strives to collaborate and coordinate with local housing partners to efficiently and effectively leverage resources and increase housing opportunities for PLWHA in Florida. The high cost of health care contributes to the large number of individuals who are homeless, or are on the verge of becoming homeless. Therefore, in addition to the HOPWA funds expected for the contract year, other funds available for care and support services for Florida's HIV/AIDS population include State of Florida general revenue and federal Ryan White Part B. The Florida State HOPWA Program project sponsors will leverage other public and private resources to address needs identified in client housing service plans, and to reduce the cost of services whenever possible. Some examples of cash or in-kind leveraged federal, state, local, or private resources include Ryan White emergency financial assistance, Housing Choice Voucher Program, Emergency Shelter Grant, private grants, in-kind resources, and resident rent payments by the client to private landlord. Leveraged funds primarily will be used for additional housing activities, including permanent housing placement, case management, and other supportive services to address the short-term and long-term housing needs of PLWHA in the service area.

Allowable Costs

The Florida State HOPWA Program is funded through the U.S. Department of Housing and Urban Development (HUD), so the following apply for allowable costs:

- The Office of Management and Budget Circular A-122, Cost Principles for Non-Profit Organizations, is used as a guideline to determine allowable costs (https://www.whitehouse.gov/omb/circulars_a122_2004/).
- Eligible activities as prepared by HUD describe allowable services for HOPWA in Title 24 Code of Federal Regulations, Part 574.300(b) [<https://www.hudexchange.info/resource/2936/24-cfr-part-574-housing-opportunities-for-persons-with-aids/>]
- Each project sponsor receiving amounts from grants made under the HOPWA program may use not more than 7% of the amounts received for administrative costs as referenced in Title 24 Code of Federal Regulations, Part 574.300 (<https://www.hudexchange.info/resource/2936/24-cfr-part-574-housing-opportunities-for-persons-with-aids/>).

Each project sponsor receiving amounts from this grant is limited to 35% for case management services as per state guidance.

Unallowable Costs

The Florida State HOPWA Program is funded through the U.S. Department of Housing and Urban Development (HUD), so the following apply for unallowable costs:

- Funds cannot be used to purchase or improve land, or to purchase, construct or permanently improve any building or other facility. The project sponsor cannot pay a mortgage or pay itself rent for the use of a building that it owns.
- No direct cash payments to service clients.
- Funds cannot be used for influencing or attempting to influence members of Congress and other federal personnel.
- Funds cannot be used for foreign travel.
- Funds cannot be used to support employment, vocational, or employment readiness services.
- Funds cannot be used for direct maintenance expenses (tires, repairs, etc.) of a privately owned vehicle or any other costs associated with a vehicle, such as lease or loan payments, insurance, or license and registration fees.
- Funds cannot be used for the following activities or to purchase these items:
 - Clothing
 - Funeral, burial, cremation, or related expenses
 - Household appliances
 - Pet foods or other non-essential products
 - Off-premise social/recreational activities, or payments for a client's gym membership
 - Purchase or improve land; or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility
 - Acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing services.
 - New construction [for single room occupancy (SRO) dwellings and community residences only].
 - Technical assistance in establishing and operating a community residence, including planning and other pre-development or pre-construction expenses; and including, but not limited to, costs relating to community outreach and educational activities regarding AIDS or related diseases for persons residing in proximity to the community residence.

Administrative Costs

Administrative costs for HOPWA project sponsors are **NOT TO EXCEED 7% OF THE TOTAL CONTRACT AMOUNT**. Administrative costs must be justified in the budget narrative. Administrative costs are reimbursed as ***fixed price*** as described under the "Method of Payment" section in the contract. Expenses must be tracked and available for review by the contract manager or approved staff at any time. All unexpended funds must be returned to the DOH. Administrative costs include, but are not limited to:

1. Salaries (may be full or partial; a percentage of a supervisor's salary is allowable).
2. Fringe benefits (includes 7.65% FICA, unemployment, worker's comp, health insurance, dental insurance, life insurance, disability insurance, LTD, retirement, etc.).
3. Travel.

4. Office expenses (includes rent, utilities, telephone, telephone equipment, telephone/ computer lease lines, building/equipment repair and maintenance contract, equipment rental, postage, office supplies, etc.).
5. Other allowable costs (e.g., indirect costs).

Administrative costs within the budget may be shifted during the contract period. However, the total dollar amount of administration cannot be increased. The contract manager and area HIV/AIDS Program Coordinator (HAPC) must have prior notification and sign off for this change. An updated budget narrative must be completed for the contract file.

1. Salaries/Positions

The budget narrative section must include specific reference information when requesting funding for positions, and must be in the following order:

- A. Position title.
- B. Gross annual salary.
- C. Percentage of time/effort requested from this contract.
- D. Amount requested from this contract.
- E. Other funding sources for this position if it is partially funded by this contract.

2. Fringe Benefits

The budget narrative section must include specific reference information when requesting funding for fringe benefits, and must be in the following order:

- A. List fringe benefits requested from this contract for each position.
- B. List the amount requested from this contract.
- C. Provide narrative justification.

3. Travel

The budget narrative section must include specific reference information when requesting funding for travel, and must be in the following order:

- A. List each type of travel (all travel anticipated during the contract period must be listed).
- B. List unit cost for each type of travel.
- C. List number of miles to travel or number of days of travel.
- D. List percent of travel requested from this contract.
- E. List the amount requested from this contract.
- F. Provide narrative explanation of who will travel, where they will travel, and for what purpose (if units of cost exceed what the DOH allows, it will have to be adjusted).

All travel must directly benefit work supported by the HOPWA program. General travel requires completion of the DOH Authorization to Incur Travel Expense (form C-676C) and the DOH Travel Justification form. General travel also requires a DOH travel Voucher for Reimbursement of Out-of-State Travel Expenses (form 676B) be submitted along with original receipts for expenses incurred during officially authorized travel, including items such as car rental, air transportation, parking, meals, lodging, tolls, and fares. Use of HOPWA dollars for **OUT-OF-STATE TRAVEL IS**

PROHIBITED without prior approval by the contract manager. Requests for out-of-state travel must be submitted in writing to the contract manager using the proper DOH forms (outlined above).

4. Office Expenses

The budget narrative section must include specific reference information when requesting funding for office expenses, and must be in the following order:

- A. List office expenses. These include, but are not limited to, computers, telephones, copiers, fax machines, maintenance, and office supplies. Some examples of equipment and office supplies are copy paper, pens, fax machines, laptops, staples, rulers, paper clips, waste baskets, etc.).
- B. List the total amount of each expense item.
- C. List the percentage being requested from this contract for each expense item.
- D. List the amount requested from this contract for each expense item.
- E. Provide narrative justification for each item.

5. Equipment

The budget narrative section must include specific reference information when requesting funding for equipment, and must be in the following order:

- A. List each kind of equipment.
- B. List total cost for each kind of equipment.
- C. List percentage of each item that will be requested from this contract.
- D. List amount requested from this contract for each item.
- E. Provide narrative justification for equipment.

6. Other

The budget narrative section must include specific reference information when requesting funding for other allowable costs, and must be in the following order:

- A. List other allowable costs.
- B. List total amount of each allowable cost item.
- C. List percent of each item requested from this contract.
- D. List amount requested from this contract for each item.
- E. Provide narrative justification for each item.

Direct Care Costs

All direct care costs are reimbursed as **COST REIMBURSEMENT** as described under the “Method of Payment” section in the contract. All unexpended funds must be returned to the DOH. Direct care costs for HOPWA project sponsors include the following:

- Short-Term Rent, Mortgage, and/or Utilities (one unit is one month per service provided)--Enter the planned (estimated) total number of clients/households to be served, the number of units to be provided, and the total HOPWA funds for this activity.
- Short-Term Supported Housing Facility/Transitional Housing (one unit is one day of service)-- Enter the planned (estimated) total number of clients/households to be served, the number of

units to be provided, and the total HOPWA funds for this activity. Short-term supportive housing facility/transitional housing funds may be used for the provision of a hotel room or other similar unit, and cannot exceed more than 60 days in a 6 month period.

- Permanent Housing Placement/PHP (one unit is one month of service)--PHP is a supportive service. Enter the planned (estimated) total number of clients/households to be served, the number of units to be provided, and the total HOPWA funds for this activity. PHP funds may be used for first month's rent and security deposits not to exceed two months of rent costs including deposit, and for one time utility hook up and processing costs.
- Housing Case Management is a supportive service. **Up to 35% of the total direct care budget amount may be used for the combination of all supportive services in the contract, including case management services but excluding PHP (PHP may be a separate budget line item in the contract).** Provide an explanation of case management costs listing each case manager position in FTEs, the monthly salary, the number of months paid, the percent of time, and the amount of HOPWA funds allocated for each FTE listed in the contract. Specify the estimated number of non-duplicated clients/households to be case managed. Also, list the total FTEs salary, the total other costs associated with these FTEs [e.g., taxes, benefits, utilities, office expenses (no supplies), travel, indirect costs], and then the final total housing case management amount. **(NOTE: This line item does not cover project sponsor administrative expenses.)**
- Resource Identification (this is NOT case management)--**Up to 5% of the total direct care budget amount may be used to establish, coordinate, and develop housing assistance resources for qualified persons.** List any staff hired in FTEs, the monthly salary, the number of months paid, the percent of time, and the amount of HOPWA funds allocated for each FTE listed in the contract. Also, list the total FTEs salary, the total other costs associated with these FTEs, and then the final total resource identification amount.
- Long-Term Tenant-Based Rental Assistance (TBRA)--Enter the planned (estimated) total number of clients/households to be assisted with HOPWA funds under this activity, and the final total TBRA amount.
- Other Supportive Services--Enter the planned (estimated) total number of clients/households to be assisted with HOPWA funds under this activity, and the final total other supportive services amount [specify the total amount of funds budgeted for allowable "other" supportive services under 24CFR Part 574.300(b)]. **When combined with funds budgeted for case management services, this amount must NOT exceed 35% of the total direct care budget amount.**

Indirect Costs

For HOPWA contracts and subcontracts, the allocation of indirect costs to services category line items is not allowable. The housing case management (supportive service) line item will only pay salaries and other costs associated with salaries (e.g., fringe like FICA, benefits, office expenses NOT including supplies, travel). Indirect costs that include, but are not limited to, office expenses like rent, utilities, and supplies will **NOT** be funded in service line items. These costs must be included in the administrative costs. It is allowable to allocate up to seven (7) percent of the total contract amount to administrative costs when necessary to administer the contracted program.

Budget Revisions

Budget revisions to HOPWA contracts do not require a contract amendment. However, the project sponsor must report all budget revisions using the HOPWA Budget Summary, and complete the columns labeled “Increase/Decrease” and “Revised Allocation.” In addition, the project sponsor must submit a narrative justifying the reason for the increase or decrease. The DOH contract manager will approve and sign the revised budget and justification narrative. The HOPWA Budget Narrative, detailing the Administrative and Direct Care costs line items, must be updated to reflect the current budget revision. These documents should be saved on the shared drive in a folder labeled “Budget Revisions.”

Any budget revisions requested within the last 30 days of the contract must be approved, in writing, by the Division of Disease Control and Health Protection Contracts Unit. Budget revisions cannot be retroactive. If the line item is overdrawn, the project sponsor must change the payment amount to the amount available in the line item. The revised amount added to the line item can only be used for expenditures incurred after the date the revised amount is approved by the contract manager.

Once a budget revision is reviewed and approved, the contract manager will place the revised HOPWA Budget Summary, Budget Narrative, and the signed and approved justification narrative in the contract file and on the shared drive; and send a copy to the following entities by e-mail:

- Disbursements (individual analyst).
- Reporting Unit via AIMS 2.0.
- Division of Disease Control and Health Protection Contracts Unit.
- State HOPWA Program Coordinator.

Remedies

Failure to provide the required deliverables per the terms of the contract shall result in a financial consequence. The total penalty amount will be deducted from administrative and/or direct care costs submitted on the monthly invoice. The deliverables that apply to all HOPWA contracts (unless otherwise specified in individual contract) and related subcontracts are included in the Attachment I of each individual contract.

Advances

A **ONE-TIME ADVANCE** is permissible for HOPWA contracts, and must be requested through the local contract manager and approved by State HOPWA Program staff. The following Finance and Accounting Financial Memo 12-03 provides more information:

<http://dohiws/Divisions/administration/Fin Acct/Financial Memorandums/FM11-12/FM12-03.pdf>

Chapter 3: Conflict of Interest

The project sponsor/subcontractor must be particularly cognizant of the potential for conflicts of interest, or the perception of such conflicts as they operate in their respective geographical areas. The DOH requires the project sponsor to **ESTABLISH and IMPLEMENT PROCEDURES** to avoid conflicts of interest in the procurement and contract management process.

According to 24 CFR Part 574.625, organizations should have policies in place that identify and handle potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. Conflict of interest policies are often part of an organization's "code of conduct" for board, staff, and volunteers. HUD regulations require that grantees and project sponsors/subcontractors have adequate codes governing conflict of interest in place.

At a minimum, a project sponsor's/subcontractor's conflict of interest policy should:

- Prohibit the solicitation and acceptance of gifts or gratuities by officers, employees, and agents for their personal benefit in excess of minimal value;
- Prohibit employees, agents, consultants, or officers of the project sponsor/subcontractor from gaining a financial interest or benefit from an activity; or having an interest in any contract during his/her tenure or for one (1) year thereafter if they exercise responsibilities with respect to grant activities, are in a position to participate in a decision making process, or are able to gain inside information with regard to such activities;
- Outline administrative and disciplinary actions available to remedy violations of such standards;
- Describe the method to be used to ensure that all officers, employees, and agents of the organization are aware of the "code of conduct," such as a signed form that the person has reviewed and understood the organization's conflict of interest policy; and
- Be written on company letterhead that provides a mailing address, authorized official name, and telephone number.

Conflict of interest can be an **ISSUE for NON-PROFITS** in unexpected ways. Many community-based organizations (CBOs) and especially AIDS service organizations (ASOs) have policies that promote the participation of consumers in the management of the organization. This represents a potential conflict of interest for both the consumer and the organization. For example, suppose that a consumer who receives services from the project sponsor/subcontractor is also a member of that organization's board of directors. The board, in turn, is responsible for setting policy and supervising the Executive Director. This puts the consumer in a position of policy direction and staff supervision in relation to services from which he/she might benefit directly. This may represent a conflict of interest. Similarly, many organizations recruit consumers both as volunteers and as paid staff members.

HUD takes conflicts of interest seriously, and HOPWA project sponsors/subcontractors should approach potential conflicts with caution. Typically, the project sponsor/subcontractor's **INDEPENDENT FINANCIAL AUDITORS** review the organization's policies and activities for potential conflicts of interest. The board and program staff should identify potential conflicts of interest. The **BOARD OF DIRECTORS** should review these conflicts, using the organization's own procedure for addressing conflicts of interest. HOPWA regulations also describe means by which a grantee or project sponsor/subcontractor can request an exception to prohibitions against conflicts of interest. This process is described in 24 CFR Part 574.625, and involves the request of a waiver from HUD based on the particulars of a situation.

Chapter 4: Client Confidentiality

Project sponsors must ensure that confidentiality procedures are followed to protect the identity of individuals who inquire about and/or receive HOPWA services. The privacy of confidential client information must be considered during all phases of grant administration and service delivery including collecting, storing, and sharing client data, as well as during a monitoring visit. In order to confirm that project sponsors are aware of this mandate, the Florida Department of Health (DOH) includes provisions in each project sponsor contract outlining the confidentiality requirements for any recipient of HOPWA funds either explicitly or through referenced documents. Project sponsors must comply with all applicable federal and state laws.

The provision of HOPWA assistance involves information on the HIV/AIDS status of individuals for the purpose of determining program qualification. Such information is subject to confidentiality requirements, as mandated by Section 856 of the AIDS Housing Opportunity Act. The implementing HOPWA regulation, as set forth at 24 CFR 574.440, states the following:

“The grantee shall agree, and shall ensure that each project sponsor agrees, to ensure the confidentiality of the name of any individual assisted under this part and any other information regarding individuals receiving assistance.”

Consistent with statutory and regulatory requirements, grantees and project sponsors must ensure that information is used for the limited purpose of establishing program qualification. HIV/AIDS status, along with related client eligibility and program qualification documentation, should only be accessible by qualified individuals who determine program eligibility and qualifications, provide support, or oversee the provision of this federal assistance. Grantees must have written procedures and training efforts in place to maintain confidentiality. Additional guidance on this requirement and suggested best practices can be found in the HOPWA Confidentiality User Guide at

<https://www.hudexchange.info/resource/3296/hopwa-confidentiality-user-guide/>.

Related Federal Laws and Regulations

HOPWA-Specific Requirements

The AIDS Housing Opportunity Act of 1992, the law authorizing the HOPWA program, requires that grantees and project sponsors protect the privacy of those receiving HOPWA assistance (see Section 856 of the Act). The HOPWA regulation, 24 CFR 574, implements this requirement and states:

The grantee shall agree, and shall ensure that each project sponsor agrees, to ensure the confidentiality of the name of any individual assisted under this part and any other information regarding individuals receiving assistance (24 CFR 574.440).

This broad regulatory language, intended to ensure confidentiality for HOPWA clients, has many implications. To provide further guidance, HUD addressed HOPWA program expectations for client confidentiality in Section II(a) of HUD’s Community Planning and Development (CPD) Notice 06-07, which states:

HIV/AIDS status, along with related client eligibility documentation, should only be accessible by qualified individuals who determine eligibility or provide support, or who oversee the provision of this federal assistance. Grantees must have written procedures and training efforts in place to maintain confidentiality. Precautions may include, but are not limited to, maintaining paper files in locked cabinets accessible only by designated individuals, and installing security software for electronic files. Grantees should conduct periodic monitoring of these procedures and undertake related training efforts (CPD Notice 06-07).

The DOH (as the grantee funded by HUD) must ensure both that they protect client confidentiality and that their project sponsors agree to ensure client confidentiality, according to 24 CFR 574.440. If a HOPWA project sponsor contracts with a subcontractor/subrecipient to perform HOPWA funded activities, the project sponsor should also pass along these requirements as appropriate. All organizations receiving HOPWA funds should have a clear understanding of their role and responsibilities in following HOPWA program rules related to confidentiality. Failure to comply is considered a default of grant responsibilities and could result in HUD monitoring findings, suspension, loss of grant funds, or other potentially negative consequence including legal action.

Key HOPWA Regulatory and CPD Notice Provisions

- Ensure the confidentiality of the names and other identifying information of individuals who receive assistance.
- Ensure that adequate protections are in place to protect confidentiality.
- Maintain written policies and procedures on confidentiality.
- Train staff on confidentiality issues.
- Conduct periodic monitoring of confidentiality procedures.

Health Insurance Portability and Accountability Act (HIPAA)

Where applicable, the project sponsor will comply with the Health Insurance Portability Accountability Act (HIPAA) as well as all regulations promulgated thereunder (45 CFR, Parts 160, 162, and 164).

The overall goal of the HIPAA is to make it easier for medical providers to share and transfer information in order to provide quality care. If an organization is covered by the HIPAA, client consent is needed to share health information.

The HIPAA Privacy Rule applies when all of the following criteria are met:

- The agency is a health care provider.
- The agency conducts certain covered transactions, such as billing an insurance provider.
- The agency conducts these transactions electronically.

Housing-only providers are not necessarily covered by HIPAA; the entity must also provide health care. Additional guidance is available from the Centers for Medicaid and Medicare online here:

<http://www.cms.gov/Regulations-and-Guidance/HIPAA-Administrative-Simplification/HIPAAGenInfo/downloads/CoveredEntitycharts.pdf>.

Project sponsors must obtain client consent by having the client complete the Consent to Release Information form (Attachment 1), which authorizes the project sponsor and other agency staff and/or volunteer staff to release and/or share information regarding services received in the past, present, or future for the express purpose of receiving or gaining access to services related to the client's current or future needs. This consent may be revoked by the client anytime by writing and informing the agency holding the original consent form.

Also, the Housing Coordinator must complete the Memorandum of Understanding for Confidentiality of Client Information form (Attachment 2) indicating that they understand and agree to abide by these confidentiality provisions. This form states that all information held in health records is confidential, with access governed by state and federal laws. Information, which is confidential, includes a client's name; address; medical, social, and financial data; and services received. In addition, the fact that someone has had an HIV test is confidential, whether the result of that test is positive or negative. Data collection by interview, observation, or review of documents should be conducted in a setting that protects the client's identity from unauthorized individuals. Client information should not be discussed outside the agency, except with the client's written consent in the performance of referrals to other agencies for client care.

State Laws and Regulations on Confidentiality

Project sponsors must maintain confidentiality of all data, files, and records (including client records related to the services provided) according to their contract. Policies and procedures must be implemented by the project sponsor to ensure the protection and confidentiality of all confidential matters. These policies and procedures shall be consistent with the *DOH Information Security and Privacy Policy, DOHP 50-10-16*, as amended. The project sponsor will adhere to any amendments to the DOH's security requirements provided to it during the period of the contract. The project sponsor must also comply with any applicable professional standards of practice with respect to client confidentiality.

The *DOH Information Security and Privacy Policy, DOHP 50-10-16*, can be found here:

http://dohiws/Divisions/IRM/Policy/InfraSupportPolicies/InfoSecurityPrivacyPolicies/table_of_content.shtm

HOPWA Confidentiality Requirements

To ensure the protection of privacy, project sponsors must have written confidentiality policies and procedures in place. These policies will describe how they protect participant confidentiality. HOPWA program staff should receive training about confidentiality. Precautions may include, but are not limited to, maintaining paper files in locked cabinets accessible only by designated individuals, installing security software for electronic files, and the use of release of information forms that meet federal and state consent requirements. The DOH will conduct periodic review of these procedures. A project sponsor should gather private information only when adequate data confidentiality protections are in place.

The project sponsor's confidentiality policy should, at a minimum, address:

- How staff will gather, record, and store confidential information;
- The consent process for the release of confidential information;
- Protocols for responding to breaches of confidentiality;

- Standards contained in relevant federal and state laws, including HIPAA compliance (if applicable), and HIV confidentiality statutes; and
- Privacy standards related to data collection and use of participant information for program reporting.

Project sponsors should use HIV status/AIDS diagnosis information only for verifying HOPWA program qualification. This information, along with related personal participant qualification documentation, should only be accessible to staff administering the HOPWA program.

More information regarding client confidentiality and best practices can be found in the *HOPWA Confidentiality User Guide* at <https://www.hudexchange.info/resource/3296/hopwa-confidentiality-user-guide/>.

This guide provides information on maintaining confidentiality for HOPWA providers (including grantees like the State of Florida, project sponsors, and subcontractors/subrecipients) in all the roles they may serve (including program administrators, managers, front-line staff, and monitoring staff).

To ensure the client's confidentiality as it relates to his or her HIV status/AIDS diagnosis and general medical history, the following requirements also apply to applicants for HOPWA assistance and must be adhered to.

No Disclosure of HIV/AIDS Status Without Written Consent

Without express written consent of the client, the Florida State HOPWA Program and the project sponsors/subcontractors may not disclose the client's HIV/AIDS status, or that the client is qualified for program assistance because of the client's HIV/AIDS status. This information may only be disclosed to other service and housing agencies, landlords, and other parties if the client expressly consents to such disclosure in writing using the Consent to Release Information form. The client's express consent to disclose their HIV/AIDS status must specifically designate the person or agency to whom disclosure may be made.

Written Correspondence, Program Forms, and Material Directed at Persons Without Consent to Know Client's HIV/AIDS Status

It is also important that the project sponsor not use any identifying information that could compromise a participant's confidentiality in communications regarding the HOPWA program. For example, checks to property owners, envelopes, letterhead, and other printed material should not contain any language that might indirectly disclose a participant's HIV status.

All written correspondence, program forms, or documents specifically concerning the client that are directed towards, or made available to, landlords, other agencies, or third parties who are not identified in a client's written consent must avoid even inadvertent disclosure of the client's HIV/AIDS status. Therefore, such correspondence, forms, or materials shall not make reference to, for example, "Housing Opportunities for Persons With AIDS" (or "HOPWA") or any other reference to a housing program for

persons with HIV/AIDS. Instead, such material shall refer to the client as an “applicant” or “participant” in a federal housing program providing financial assistance towards the client's housing. If any third parties who are not identified in a client's written consent request information regarding program qualification criteria (either generally or in relation to a specific client), then HOPWA program staff first determine whether it is necessary to describe this information (e.g., a landlord requires additional information regarding HOPWA program qualification requirements before making a determination regarding the landlord's willingness to work with the HOPWA program). If it is not necessary to describe HOPWA program qualification criteria, then HOPWA program staff shall not provide the information. If it is necessary to describe HOPWA program qualification criteria, then HOPWA program staff shall do so in these general terms: “the program serves clients with low income who are homeless or at risk of becoming homeless.”

If a project sponsor's name on checks indicates that it is a provider of HIV/AIDS services (e.g., “AIDS Care Project”), the project sponsor should consider ways of masking this information. The project sponsor might consider steps such as incorporating a separate entity under a generic name (e.g., “Springfield Supportive Housing Program”), designating a separate phone line for payees to call in on, and setting up a bank account with a generic program name.

Secured Client Record Keeping and Storage

Any information that directly discloses a client's HIV/AIDS status, or indirectly by virtue of being identified as a HOPWA client, shall not be visible or accessible to program staff persons without a need to know or to any other persons.

- Client records will be maintained in a central, secured filing room with controlled access. During working hours, primary or secondary client files shall be stored in a locked drawer or cabinet when no staff person is present.
- A client file, or materials intended for a client's case record, shall never be left on a desk, even with the door locked, when there is no HOPWA staff person in the office.
- Personal client concerns shall not be discussed when other persons may overhear the conversation.

Florida State HOPWA Program Client Confidentiality Affidavit

The State HOPWA Program Housing Coordinator shall review and sign a Memorandum of Understanding for Confidentiality of Client Information form (Attachment 2) as part of their orientation process. The memorandum will become a permanent part of the employee personnel/consultant records.

Access to client records shall be restricted to HOPWA program staff with a "need to know" the client's medical information. A “need to know” is present and knowledge of the client's HIV status is permitted if the employee or agent, in order to perform properly his/her normal job functions, must have access to the client's medical background.

Responsibility to Inform Clients of Confidentiality Rights

At the time of application for HOPWA assistance, the Housing Coordinator shall explain the client's right to confidentiality, as well as the need for prior written authorization to disclose client information. The client shall be informed that all information contained in the client's file is confidential; and that staff with access to information about the client is bound by confidentiality guidelines, and shall not disclose this information without prior written consent. A written explanation of the client's right to confidentiality shall be provided as part of the client's Participation Agreement (Attachment 3)/Rights and Responsibilities (Attachment 4), the original signed copy of which shall be maintained in the client file.

Client Access to Personal Records

Upon written request, HOPWA clients should have access to review their records and case file content. A private location should be provided to the client for this purpose within the agency. Clients should not be allowed to remove their case file from the agency; however, they may be granted photo copies of file contents upon request.

The client **does** have the right to:

- Review any portion of case record;
- Have a legally authorized representative assist in reviewing records, and the home bound client may have a legally authorized representative review records for the client;
- Request that copies of the records be made at the client's expense; and
- Use such materials/records in any complaint or eviction proceedings.

Confidentiality Requirements Upon Client Death

Upon the death of a client it may be necessary to inform associates/family regarding the client death on a need to know basis. Under no circumstances will the program disclose protected health information or any information regarding the cause of death, unless mandated by state or local laws

Terms and Conditions

The client **does not** have the right to:

- Demand to review their records immediately without a prior appointment for this purpose;
- Take original documents or case records from the office as these are the property of the HOPWA provider;
- Review the case records except in the presence of provider personnel; and
- Review information deemed privileged or confidential under federal and state law.

DOH-Required Policy

All project sponsors receiving HOPWA funding must have a **WRITTEN, BOARD APPROVED POLICY** relating to public **ACCESS to RECORDS** that are exempt. The policy should address the types of records that must be produced or are to be made, charges for copying documents, timeframes for providing

documentation, or procedures for denying access to documentation. This policy is in accordance with the DOH Standard Contract.

Chapter 5: Equal Opportunity, Fair Housing, and Reasonable Accommodation

The State of Florida (as grantee) and all agencies receiving HOPWA funding shall comply with federal and local requirements for **NON-DISCRIMINATION** and **EQUAL OPPORTUNITY** within the qualified population. Within the population qualified for assistance under the Florida State HOPWA Program, discrimination on the grounds of race, color, religion, gender, national origin, age, familial status, sexual orientation, and disability is strictly prohibited. In particular, the State of Florida and all agencies receiving HOPWA funds must comply with the applicable provisions of the Americans with Disabilities Act of 1990 (42 USC 12101-12213), and implementing regulations at 28 CFR Part 35 and Part 36.

The Americans with Disabilities Act (ADA) and its implementing regulations ensures the access of disabled persons to “public accommodations,” covering “the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.” For the purposes of HOPWA programs, the ADA covers the participation in HOPWA services and the sites where services are provided.

The ADA addresses both physical and administrative barriers to access. Most people are familiar with physical access issues (e.g., wheelchair access, and providing TTY phone service for hearing-impaired individuals). Administrative barriers are also important and can include qualification policies that might screen out persons based upon a disability, including mental illness, drug addiction (though not current use of illegal substances), and alcoholism (whether alcohol use was in the past or present). Such restrictions may be illegal under the ADA, unless they are “necessary” to the provision of the goods, services, or facility in question.

Fair housing laws are civil rights laws that apply to housing. All housing providers, whether they are in the private, public or nonprofit housing sector, are required to follow fair housing laws. These laws cover the entire relationship between a housing provider and an applicant/resident/tenant from the time of the initial inquiry, through application and residency, to termination and move-out. During that time, any transaction or interaction can give rise to a claim of discrimination. Additionally, housing providers have an affirmative responsibility under the Fair Housing Act to help their disabled applicants or residents overcome barriers to obtaining or maintaining housing. The following individuals are **not** considered disabled under fair housing laws:

- Individuals with a temporary disability.
- Individuals who are current illegal drug users.
- Individuals who pose a direct threat.

Unlike state landlord tenant laws that regulate the respective roles of landlords and tenants, fair housing laws prohibit differential treatment in housing transactions based on protected class-such as race, religion or sex. Fair housing laws are analogous to other civil rights laws in the areas of employment, education, and public accommodations. Types of dwellings that are covered by Fair Housing Laws include:

- Apartments.
- Condominiums, sold, or rented.
- Cooperatives.
- Houses, sold or rented.
- Rooming Houses.
- Assisted Living Facilities.
- Retirement Housing.
- Mobile Home Parks.
- Housing Construction Sites.
- Vacant Lots.
- All residential real estate transactions including: renting, leasing, selling, advertising, lending, insurance, appraisal, etc.

Fair Housing laws include a set of federal, state, and local statutes and ordinances that protect all of us from illegal discrimination in housing, lending, and homeowners' insurance. These laws include (see http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws):

- ***The Federal Fair Housing Act of 1968 and 1988 Amendments (FHA)*** – Federal laws passed in 1968 and 1988 that prohibit discrimination in the sale, rental and financing of dwellings on the basis of race, color, religion and national origin. The 1988 amendments prohibit discrimination based on disability and familial status (the presence of children under 18 in a household). These amendments also expanded the Justice Department's enforcement authority and established HUD's ability to bring actions on behalf of the victims of housing discrimination.
- ***Americans with Disabilities Act of 1990 (ADA)*** – Federal law that prohibits discrimination against persons with disabilities in all services, programs and activities made available by state and local governments (Title I) and in all buildings open to the public (Title III).
- ***Title IV of the Civil Rights Act of 1964*** – Federal law that prohibits all recipients of federal financial assistance from discriminating based on race, color or national origin.
- ***The Housing and Community Development Act of 1974*** – Federal law that prohibits recipients of federal funding from discriminating on the basis of sex or gender (42 USC 5309).
- ***Executive Order 13166: Limited English Proficiency*** – Federal mandate that requires recipients of federal financial assistance to provide "meaningful access" to applicants and beneficiaries of their programs who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.
- ***Section 504 of the Rehabilitation Act of 1973*** – Federal law that prohibits discrimination against persons with disabilities in any program or service receiving federal financial assistance. In addition, this law requires providers to take additional steps to accommodate people with disabilities, such as paying for certain structural changes to increase the accessibility of housing and common areas.

The Fair Housing Act of 1988's regulations specifically prohibit inquiries regarding the "nature or severity" of an applicant's handicap. Providers of HOPWA housing assistance should avoid inquiring about a potential participant's disabilities or handicaps, unless required for specific qualification determination (e.g., verifying HIV status for a HOPWA program). Providers of HOPWA housing assistance should act with caution in gathering participant information related to covered disabilities or handicaps during their housing program's screening or participant selection process. Though it limits what information a provider can gather about a person's disabilities, the Act does allow a provider or property owner to ask other questions for the following purposes:

- For determining if someone will be able to meet the terms of their tenancy or participation;
- For determining if they are currently using illegal substances, or if they have been convicted of the manufacture or distribution of a controlled substance; and
- For determining generally whether they would represent a threat to the health or safety of other tenants or residents.

Fair Housing Practices - Most, if not all, landlords renting units to HOPWA clients are also subject to fair housing requirements. The client may be threatened with eviction for disability-related issues that could be resolved through reasonable accommodation. For example, a prohibition against pets may be overcome by the need to accommodate a client's reliance on an animal for assistance with daily living activities. Proposed eviction on the basis that a client's housekeeping or personal hygiene practices pose a threat to the health, safety, or right of peaceful enjoyment of others also may be a violation of the disability laws if the landlord refuses to accept home-based services as a reasonable response to the situation.

Responding to Discrimination on the Basis of Disability - A Housing Coordinator can respond as follows:

- Advocate for reasonable accommodation, if warranted. If efforts to ensure reasonable accommodation by the landlord become futile and eviction proceeds, assist the client in relocating while the client pursues legal recourse against the landlord.
- Refer the client for legal assistance if evicted or threatened with eviction by the landlord.

Under fair housing laws, a policy or practice can be discriminatory even if the provider did not intend it to be. A policy that appears to be neutral and does not single out residents of a protected class can be considered discriminatory if it has a harsher impact on people who are in a protected class. For example, a “no tricycles anywhere in the complex” policy has a harsher impact on families with children.

Impermissible Rules (<i>disparate impact</i>)	Valid Rules (<i>equal impact</i>)
No curry permitted in apartments <i>(disproportionate impact on South Asians)</i>	No grills allowed on balconies <i>(equal impact on all residents)</i>
No tricycles on the grounds <i>(disproportionate impact on families with children)</i>	No bicycles, tricycles, or other items obstructing walkways and access to common areas <i>(equal impact on all residents)</i>
No one can play outside <i>(disproportionate impact on families with children)</i>	Quiet hours after 10 p.m. <i>(equal impact on all residents)</i>

Harassment

Housing providers have a legal responsibility to refrain from threatening, coercing, intimidating or harassing applicants and residents and to ensure that their employees refrain from such activities. In

addition, providers have an affirmative duty to protect their residents from harassment from other residents on the basis of that individual's inclusion in a protected class. These prohibitions include one-on-one harassment as well as the creation of a hostile environment through general acts and comments. All housing providers should have a policy prohibiting such harassment and procedures in place to respond to violations of that policy. All efforts to remedy resident-on-resident harassment should be fully documented. Providers who have failed to remedy resident-on-resident harassment have been found liable under fair housing laws for perpetuating a hostile housing environment.

Reasonable Accommodation

HUD regulation 24 CFR 982.306(d) does not allow housing assistance to a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless it is determined that approving the unit would provide "reasonable accommodation" for a family member who is a person with disabilities. A reasonable accommodation would permit a "person with disabilities" including persons living with HIV/AIDS to receive benefits when housed with a family member who owns or rents the housing unit if it is determined by a physician that living with the family member is important to the client's overall health and well-being.

In such situations, due to a reasonable accommodation determination, the family's income is not counted in determining the qualification of the low-income person with disabilities for STRMU assistance. Assistance payments are based on the number of bedrooms that the person(s) with disabilities occupies in the home, must be reasonable for the type and nature of the housing arrangement, and similar to reasonable rental fees available in comparable unassisted units.

There are times when an individual is unable to move into, or remain in, housing because of circumstances related to a disability. In these cases, the applicant or resident may request that the housing provider make an exception to a standard policy, procedure, rule, or qualification criteria so that he or she is able to move into, or remain in, the housing. This is called a reasonable accommodation request. To show that a reasonable accommodation is necessary, there must be an identifiable relationship or nexus, between the problem the individual is encountering, the individual's disability, and the accommodation requested.

All applicants and new residents should be notified in writing of their right to request a reasonable accommodation. In addition to a written notice to applicants or language in the lease, such notification should also be given verbally because some individuals may have limited reading skills, cognitive limitations, language barriers, etc. Residents receiving a notice of termination should be notified again of their right to request a reasonable accommodation. Providers may not require that the request be made in a specific format. A request does not have to be in writing and any reasonable accommodation forms that the provider gives to the resident are to benefit, not burden, the resident. Providers, however, are permitted to request verification of an individual's disability.

There should be a standardized procedure for reviewing reasonable accommodation requests. All reasonable accommodation requests must be considered in a timely manner and evaluated on a case-by-case basis. Some requests will demand immediate attention and ten days would be too long. Other requests could require the housing provider to assess feasibility and the extent of a possible financial and administrative burden and could legitimately take as long as several weeks. If the provider has reasons

to reject a request, the provider should consult with the individual making the request to see if another strategy would also work. Recommended steps for addressing reasonable accommodation requests are:

- Step 1.** Applicant or resident approaches housing provider to request a reasonable accommodation or modification. Be alert for requests that do not use the words “reasonable accommodation” but request some sort of action or waiver of a requirement because of a disability.
- Step 2.** Provider may require verification of the disability and necessity of accommodation or modification from a qualified individual. The qualified individual may be a physician, nurse practitioner, physician’s assistant, psychologist, counselor, clinic, care giver, or other qualified professional. If the disability is obvious, no verification should be required; it would represent an unnecessary extra step for the individual.
- Step 3.** All reasonable accommodation requests should be considered on a case-by-case basis. Identify which staff reviews the requests.
- Step 4.** The provider must respond in a timely manner. If the response is a denial of the accommodation or modification, the provider may want to have a person in a supervisory position review and approve the denial before it is communicated to the individual.
- Step 5.** If the provider denies the request, the provider should make a proposal for another way to accommodate the individual. An approach which opens a dialogue is suggested.
- Step 6.** If no mutually acceptable solution is developed, the individual should be notified of any appeal procedures.
- Step 7.** Follow procedures to notify the housing provider and the Board of Directors of the denial
- Step 8.** All information related to the reasonable accommodation or modification request should be well documented and retained on file. Logs should be kept legibly and documents should be maintained for at least two years, as a denied reasonable accommodation request or other alleged discriminatory act can be challenged up to two years after the date of denial.
- Step 9.** All information related to the request must remain confidential. Housing providers are not permitted to ask about disabilities beyond what is required to establish the existence of a disability and the efficacy of the requested accommodation or modification to address the barrier caused by the disability. Providers are not permitted to share information about disabilities without a signed voluntary release of information.
- Step 10.** Be sure all documents related to management plans, asset management procedures, and Board of Directors’ oversight policies include information relevant to handling reasonable accommodation/modification requests.

Accommodating Justified Absence from Assisted Housing

HOPWA recognizes that clients may, from time to time, experience extended hospital stays. The Program also strongly encourages clients to seek appropriate substance abuse and/or mental health treatment that may require clients to enter into residential substance abuse or mental health treatment facilities. Grantees should set a policy regarding length of absence from a subsidized HOPWA unit. Standard acceptable timeframes for absence from a Tenant-based Rental Assistance, or other long-term housing unit is a period of thirty (30) to sixty (60) days. To accommodate persons in need of extended hospitalization or residential treatment, programs should consider a Reasonable Accommodation request for longer absences (up to one hundred twenty (120) days) with appropriate documentation from a qualified professional verifying hospitalization or residential treatment.

Clients must also notify the landlord of the approved absence and continue to pay his or her portion of the rent while absent to ensure that the landlord does not move to evict on the basis of abandonment. If the client anticipates a change in income due to treatment (i.e., treatment program fees), the client may ask, as a reasonable accommodation, for an adjustment to program rent during the period of treatment. The Program will require documentation of fees from the treatment facility.

Reasonable Modifications

Housing providers may be required to provide residents with reasonable modifications (physical changes to their living units) and to provide reasonable accommodations (exceptions to standard policies, procedures, rules or application criteria to enable disabled persons to live in the housing). Fair housing laws require that a disabled individual who needs to physically modify his or her housing (for example installing grab bars, a visual doorbell, etc.) be permitted to do so provided that there is a relationship or nexus between the problem the individual is encountering, the individual's disability, and the physical modification. A housing provider may condition permission for a modification on the resident providing reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

Payment: If the housing provider receives federal funding, Section 504 of the Rehabilitation Act of 1973 applies and the provider is required to pay for the modification, unless the housing provider can establish that it would impose an undue financial and administrative burden or require a fundamental alteration in the nature of the provider's program. Housing providers not subject to Section 504 may, where reasonable, impose a condition that when vacating the unit, the resident will restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. However, the housing provider should not require the resident to restore the unit to the previous condition if the modification benefits the property or is needed by another resident.

A housing provider may not require increased security deposits from persons with disabilities. However, where it is necessary in order to ensure that funds will be available to pay for restorations at the end of tenancy, the Fair Housing Act allows the owner to negotiate as part of a restoration agreement a provision requiring that the resident pay into an interest-bearing escrow account a sum not to exceed the costs of the restorations. The interest on the account must accrue to the benefit of the resident.

Determining Whether a Reasonable Accommodation/Modification Request is Reasonable:

Housing providers are required to consider all requests and grant them unless they are not "reasonable." Determining reasonableness does not mean the provider can second guess the resident's need for an accommodation. A provider is permitted to contact the qualified individual who has established the resident's need for an accommodation, if necessary, to verify his or her qualifications or to confirm that the qualified individual has deemed the resident's accommodation necessary.

Denial of a Request for Reasonable Accommodation/Modification: Providers should be aware that refusing to grant a reasonable accommodation request for a reason other than those listed below is **illegal**. A housing provider can deny a reasonable accommodation request for any or all of the following reasons:

(1) No "Nexus" or Connection Exists - The request is not made by (or on the behalf of) an individual with a disability or the need for the accommodation is not related to the disability;

(2) Granting the Request Would Impose an Undue Financial and Administrative Burden - This could mean that the provider lacks the resources/staff capacity to make the accommodation or can show the accommodation would interfere with the right to quiet enjoyment of other residents who live in the housing.

(3) Granting the Request Would Result in a Fundamental Alteration to the Program

(4) The individual poses a direct threat to staff or residents and granting the request would not eliminate or significantly reduce the threat.

Affirmative Outreach

The State of Florida shall adopt procedures to ensure that all persons know of the availability of the Florida State HOPWA Program, including facilities and services accessible to persons with a disability. Documentation of implementation of the procedures is federally mandated.

Resources include:

- [September 22, 2014 HUD Memorandum: Clarification on Affirmative Fair Housing Marketing Plan Review Approval Guidance](#)
- [Outreach and Affirmative Marketing for Section 8 \(EOHP\) and Lower-Income Public Housing Programs: Monitoring Review Checklist](#)
- [Affirmative Fair Housing Marketing Plan \(AFHMP\) – Multifamily Housing](#)

Project sponsors should have “affirmative outreach” procedures, as per 24 CFR 574.603. This will help ensure that all persons who qualify for assistance (regardless of their race, color, religion, sex, age, national origin, familial status, or handicap) know of the availability of the HOPWA program and local HOPWA resources. In general, HUD does not allow its program resources to be used for projects that narrowly target qualification. If a HOPWA project sponsor’s project targets assistance to households with particular needs, such practices should first be cleared with HUD through a fair housing review. HUD should also review qualification guidelines and similar written policies and procedures that may limit access to HOPWA resources for compliance with fair housing requirements.

As with many matters related to state or federal fair housing laws, grantees and project sponsors should **CONSULT LEGAL COUNSEL**. Counsel can help them understand the application of laws and regulations to their particular program. Projects targeting assistance to persons with greater needs should clear written procedures with HUD for a fair housing review prior to implementation. This will help ensure compliance with fair housing requirements.

Chapter 6: Client Eligibility

DOH Specialty Patient Care Programs Eligibility

The Florida State HOPWA Program includes an eligibility component that requires a determination of eligibility in order to access any HIV/AIDS patient care programs, including HOPWA. The statutory authority requiring this action is located in Chapter 381, Florida Statutes (F.S.), and Chapter 64D-4, Florida Administrative Code (F.A.C.), commonly known as the “eligibility rule.” The HIV/AIDS patient

care programs are eligibility programs, and are **NOT ENTITLEMENT** programs such as Medicaid and Medicare. Therefore, the services provided by these programs are subject to accessibility, availability, and funding statewide. Eligibility is a **PREREQUISITE** for enrollment into the specialty patient care programs (HOPWA, Ryan White, and ADAP). This action does not replace program-specific qualifications and requirements. These eligibility requirements are to improve the management of HIV/AIDS patient care programs statewide. In addition to HOPWA, these programs include the AIDS Drug Assistance Program (ADAP), ADAP Premium Plus (previously the AIDS Insurance Continuation Program, or AICP), the Ryan White Part B Consortia Patient Care Programs, and other state patient care programs administered by the HIV/AIDS Section. All of these programs are intended for low-income persons with HIV/AIDS disease.

Eligibility is a prerequisite for client enrollment into patient care specialty programs, such as the Florida State HOPWA Program, in which the client must also meet HOPWA program specific qualifications and requirements. During the initial eligibility determination process, the client is required to have documentation of a medical diagnosis of HIV/AIDS with a laboratory test documenting confirmed HIV infection.

HOUSING COORDINATORS are responsible for coordinating and facilitating the client's eligibility determination for enrollment in the Florida State HOPWA Program. These Housing Coordinators are also responsible for enrolling qualified persons in the Florida State HOPWA Program, and are responsible for assisting clients in obtaining housing services. Housing Coordinators may provide case management to clients for Ryan White Title II activities.

All contracted providers that determine core eligibility are **REQUIRED** to enter eligibility information on **EVERY CLIENT** into the **ELIGIBILITY MODULE** in the state CAREWare system (see <http://www.floridahealth.gov/diseases-and-conditions/aids/patient-care/documents/cw-manual-final.pdf> for CAREWare data entry). It is the **RESPONSIBILITY** of the agency that determines a client's eligibility to ensure that this process is done correctly.

- The eligibility rule can be found at the following link:
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=64D-4>
- Details of eligibility requirements can be found in the *Florida HIV/AIDS Eligibility Procedures Manual* located at the following link:
<http://www.floridahealth.gov/diseases-and-conditions/aids/patient-care/eligibility-information1.html>

Eligibility Requirement for HOPWA Exception

There is a potential for some clients to be qualified for HOPWA even if over 400% of the Federal Poverty Level (FPL). The below steps should be followed:

- Clients seeking housing assistance from the State HOPWA Program must be determined eligible under Chapter 64D-4 F.A.C.
- Clients who are not eligible based on the FPL should be assessed for a housing need.
- The State HOPWA Program qualification allows clients to be at 80% of the median income, which in some instances is greater than 400% of FPL.

- Under these circumstances, if all other criteria except FPL are met, clients who might have a housing need should be given a Notice Of Eligibility (NOE) with a notation for HOPWA only and referred to the State HOPWA Program. This step is very important!
- Individuals receiving a NOE Exception for HOPWA services are not guaranteed to receive HOPWA services. Additional programmatic requirements and qualifications will need to be determined.
- The State HOPWA Program will assess for 80% of the median income.
- Not all clients who seek eligibility will have a housing need.

HOPWA-Specific Requirements for Client Qualifications

Prior to any HOPWA services being provided there are **TWO BASIC CRITERIA** in order to qualify:

1. Household must have **AT LEAST ONE PERSON WHO HAS HIV** (Human Immunodeficiency Virus) **OR AIDS** (Acquired Immunodeficiency Syndrome). This includes households where the only qualified person is a minor.
2. Total household **GROSS INCOME MUST BE LESS THAN 80 PERCENT AREA MEDIAN INCOME (AMI) GUIDELINES** as defined by HUD. This requires determining household members first.

In addition to these two criteria, during the application process, the following three additional criteria must be met:

3. Proof of **FLORIDA RESIDENCY**,
4. Enrollment through a **CASE MANAGER**, and
5. Verifiable **DOCUMENTATION OF NEED** for housing assistance.

It is critical that sponsors must have adequate signed releases of information from HOPWA participants that allow them to obtain and store this documentation. As part of a private medical record, such information is highly confidential and protected by federal state and local laws that govern HIV status.

It is important to note that clients that have been deemed eligible for services under the DOH, HIV/AIDS Section, Patient Care Unit, must also meet the qualification requirements for the HOPWA program. This means that some clients may be qualified for some Patient Care Unit program services and not qualify for HOPWA.

HIV Verification

All participant files must contain documentation that verifies their medical eligibility to receive HOPWA assistance. Acceptable medical documentation of HIV status includes the following; however, more detail is listed in the Florida HIV/AIDS Eligibility Procedures Manual:

- A signed and dated statement of HIV verification signed by a physician, certified healthcare worker such as a physician's assistant, or advanced nurse practitioner, or HIV testing site representative.
- A hospital discharge summary that documents the HIV positive status.
- A laboratory report indicating a positive serologic test (Western Blot confirmed).
- Social Security Administration records indicating the nature of a disability determination.

Household Composition: Declaration of Household Status and Household Types

In order to determine the gross income for the total household members, clear guidance on what constitutes a “household” should be reviewed. At the time of initial HOPWA program enrollment and certification, and subsequent re-certifications the applicant, if living with other occupants must declare the nature of the relationship(s) as either a family unit, plutonic roommates sharing housing, or as a live-in-aide. Some grantees and project sponsors like to have the applicant sign and date a statement to this effect, but this is optional. Any change in household status thereafter should be reported to the client’s Housing Coordinator within 15 days, and ongoing HOPWA assistance following the change in household status may be subject to project sponsor approval. Intentional misrepresentation of household status (a material fact used in making a determination as to the client’s qualification to receive services) is fraudulent and may result in termination.

HOPWA recognizes the diversity in households in which persons with HIV/AIDS reside. The following helps govern the types of households in which a qualified client may reside:

- **Qualified Person LIVING ALONE**--A household consisting of a qualified person living alone may apply for assistance based on the applicant's total gross income. When the applicant is a qualified person living alone, his/her total income is counted in determining financial qualifications; and the total housing costs are counted in determining the amount of allowable assistance.
- **Qualified Person Living in a FAMILY UNIT**--Under HOPWA regulations, the definition for family is: *“A household composed of two (2) or more related persons. Persons in a family may be related by ties of blood, marriage, or other legal sanctions. A person who is not a relative by blood, marriage, or other legal sanction may be considered a family member if they are important to the care and well-being of the qualified person with HIV/AIDS.”* People who fit this definition generally meet one or more of the following criteria:
 - They are an intimate partner of the qualified person, regardless of gender or marital status. They have mutually agreed with the qualified person that they will support each other financially, emotionally, and/or spiritually.
 - They assist the qualified person in maintaining physical and/or mental health, yet **do not** live with the qualified person **solely** for this purpose.
 - They are of minor age or are an elderly dependent (i.e., legal guardianship of a member of the household). An adult with custodial authority for a minor who has HIV/AIDS and meets income qualifications must accompany the minor to the intake, screening, and case management appointments. In such a case the “head of the household” is considered the custodial adult.
 - Surviving member or members of any family who are living in a housing unit assisted under the Florida State HOPWA Program with the person with HIV/AIDS at the time of his or her death.
- **Qualified Person Living with a ROOMMATE (Shared Housing)**--A roommate relationship is established for the purposes of sharing housing costs (mortgage, rent and/or utility bills) in exchange for a share of the space available in the living unit. When the applicant is an individual with a roommate(s), this is classified as shared housing. In the case where two (2) or more unrelated persons live together as roommates, the individual(s) not qualified for HOPWA assistance will not receive any compensation as a result of the housing assistance awarded to the qualified person. Clients living in group homes and other institutional settings are also classified as living in shared housing. Persons living in group homes or another institutional setting may qualify for HOPWA assistance if rent is being charged for the unit and the unit is not subsidized by another program for the same costs as HOPWA pays. All adult roommates must have verifiable

proof of residency in the HOPWA-assisted unit and be listed on the lease or rental agreement as approved by the landlord to live there; however **only** the HOPWA-qualified person's income is counted when assessing income. Rent and utilities must be prorated among roommates.

NOTE: HOPWA does not permit couples to present as roommates for the purpose of securing federal housing benefits if the couple presents as a family in their personal life. Also, if more than one person in a roommate relationship is qualified for HOPWA assistance, each must apply separately based on individual income and prorated housing costs. A roommate cannot change the status to a “family” member after the death of a HOPWA client in order to receive survivor benefits.

- **Household with a LIVE-IN AIDE**--A live-in aide compensated for providing care to the qualified person with HIV/AIDS, or another disabled or elderly member of the qualified person’s family, is not to be considered a family member or a roommate. A live-in aide is defined as a person who resides with a disabled or elderly person who **meets all three** of the following criteria:
 1. Is determined to be essential to the care and well-being of the person(s).
 2. Is not obligated to support the person(s).
 3. Would not be living in the unit except to provide necessary supportive services.

Proof of Live-in Aide Status--In order to declare a person as a live-in aide, not subject to income verification as a member of the family unit or treatment as a roommate, the applicant must certify that such person’s services are being provided through a service contract and supported by the following documentation:

- The live-in aide is qualified to provide the needed care documented by copy of state licensing or certification or, in absence of such documentation, certification by the aide’s employer and physician that the aide is qualified to provide needed care.
- The live-in aide was not part of the household prior to the need for such care arising.
- There is no other reason for the aide to reside in the unit than to provide such care (documented by a copy of the contract for services through a third party).
- The aide and the client maintain separate finances (documented by the aide and client through bank statements). Such certification, and supporting documentation, should be submitted to the Housing Coordinator for review and formal approval.

NOTE: Aides are entitled to a separate bedroom in HOPWA subsidy situations. Also, a family member cannot be considered a live-in aide, even if that person is the sole caregiver to the other.

Income Verification

HOPWA regulations require the total income of all household members (except where referenced above) be counted in determining financial qualifications (with certain exceptions referenced below). The total household income cannot exceed 80% of the Area Median Income (AMI) as determined by HUD, which is considered “low-income.” HOPWA rental subsidies also consider the total housing costs when determining the amount of allowable assistance and/or client rental payment portion.

HUD sets AMI levels for households in communities across the country; these numbers vary significantly depending on the economy of the area. HUD AMIs are calculated annually for individual localities and organized by number of persons in the household. In calculating income, the entire household income

must be taken into account, not just the income of the HOPWA qualified person. This data is updated annually and can be found at <http://www.huduser.org/datasets/il.html>.

The project sponsor should collect and maintain income verification for all adult members of a household as determined by regulations 24CFR Part 5.609. If an adult member of a household has no verifiable income, the project sponsor must have the person sign and date a statement stating that they have no income.

- Ideally, income documentation should be less than 90 days old, based on the date of HOPWA program qualification. In cases where income is consistent with the previous year, tax return forms may be used as one form of verification.
- Income is generally annualized over a 12 month period to take into consideration part-time or seasonal work or employment with fluctuation in wages.
- Program qualifications must be re-assessed and re-certified at least annually, taking into account changes in household income or changes in composition.
- In cases of part time or seasonal employment, re-assessment can be required more often, such as quarterly or bi-annually.
- Need for short-term rent mortgage or utility assistance should involve assessment of the **current income and expenses** for the household each month a request for assistance is made.

The Florida State HOPWA Program's current income requirements of 80% of the median income will remain unchanged, except in a very few counties in which 80% of the median income for the area is more than 400% of the Federal Poverty Level (FPL). Also, this income requirement may be adjusted for the number of persons in the household, and may be subject to adjustments for areas with unusually high or low incomes or housing costs. To address specific program income requirements for HOPWA, language is included in the eligibility procedures manual that reads "80% of the median income or 400% of the Federal Poverty Level, whichever is less." The standardized eligibility requirements are within HUD regulations that allow the state program to be more restrictive, and not more lenient. If the client's income is above 80% of the median income for the area, they are not qualified for housing assistance under this program.

Annual income is the anticipated total income from all sources received by the family (head and spouse, even if temporarily absent) and by each additional family member/household, including all net income derived from assets for the 12-month period following the effective date of certification of income. When determining the client's ability to pay for and maintain housing, all income should be considered, including the client's income derived from assets. The client may be required to use assets since HOPWA assistance should be the last resort. Food stamps are not considered income under the Florida State HOPWA Program.

To determine the income qualification, the *client* must report all sources of annual income and the amount received per month. Appropriate documentation includes the following:

- Copies of checks,
- Bank statements,
- Written statement signed by the client's employer,
- Public assistance award or denial letters, or
- Other statements of support and certifications of sources of income.

Also, refer to Attachment 5 for more information regarding annual income and exclusions. For complete regulations, refer to 24 CFR, 5.609(c).

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized and subject to a re-determination at the end of the shorter period.

If the client is a *family* as defined earlier, the income of all adult (18 and over) family members, unless otherwise specified in the income requirements, must be included when assessing income qualification. Assistance is pro-rated when a family member refuses to provide documentation of their contribution to the household income. Appropriate documentation for family members is similar to those for the client as listed above.

Household income must be documented. Documentation of all household income and compliance with HUD household income requirements includes, but is not limited to, wages, Social Security Income (SSI)/Social Security Disability (SSD)/State Disability Insurance (SDI), or Aid to Families with Dependent Children (AFDC).

In summary, sources of income and documentation include the following, depending on the client's/family's circumstances:

- Sources of income as a condition of participation in the HOPWA program, applicants shall agree to supply such certification, release, information, or documentation as the HOPWA provider determines to verify the applicant's income. Documentation of all household income and compliance with HUD household income requirements include, but are not limited to, employment wages; Social Security Income; TANF; child support; unemployment compensation; disability payments; and other regularly received support, such as retirement funds.
- Back-up documentation may include, but is not limited to, payer disability check stubs [if pay stubs are the documentation provided, then send the two (2) most current pay periods]; award letter from Social Security or other government agency; and current statement of other regular support. Appropriate documentation for family members is similar to the applicant, and may include copies of checks, bank statements, written statement signed by the employer, public assistance award or denial letters, and other statements of support and certifications of sources of income; or the Verification of No Income form (Attachment 6) completed by the client.
- In cases where no documentation of income is available, the Housing Coordinator shall document their inquiry and efforts to obtain income information, and have the client complete the Verification of No Income form. The decision to provide assistance to prevent homelessness may, in this case, depend upon a subjective decision with specific notes in the client's file showing efforts made to acquire information, and why the decision was made to support the client.

The income of an elderly parent and adult child must be included to determine qualification. There is an income deduction for persons age 62 and older (refer to Attachment 5 for more information regarding adjusted income and exclusions).

Other household members must be declared either roommate(s), family, or live-in aide. If declared a family, all income of adult members must be considered in determining income qualification. If the client is an individual with roommates, only the client's income is counted when assessing income qualification and housing assistance must be pro-rated among roommates.

Citizenship Considerations

HOPWA regulations are silent in regards to serving households with members who are not documented U.S. citizens; however, other associated federal guidance prohibits governmental agencies and public

housing authorities from providing federal housing assistance to those applicants who do not have eligible immigration status. The guidance **does permit** non-profit charitable organizations and religious entities to provide housing and services without inquiring about citizenship status, nor requiring verification of citizenship; this allowing many HIV/AIDS organizations to work with this population. It is recommended that grantees set a consistent policy in this regard, at least EMSA-wide.

NOTE: A mixed family is eligible for prorated assistance for housing by a governmental agency or public housing authority. Prorated assistance is a calculation of subsidy based on the number of members in the household who are citizens or have eligible immigration status.

Enrollment Through Case Manager

A client must be enrolled into the Florida State HOPWA Program through a case manager who may also be responsible for determining eligibility for patient care programs, assisting with the application process for enrollment, verifying and documenting that all requirements for qualification are met, developing a Housing Plan of Care, and maintaining accurate and updated files of HOPWA clients (i.e., the case manager may also serve as the Housing Coordinator).

Verifiable Documentation of Need for Housing Assistance

HOPWA is a "needs-based" program; therefore, clients must demonstrate the level of benefits needed through verifiable documentation. Also, HOPWA as a federal funding source from HUD should be accessed **AS A LAST RESORT**. HUD guidelines require the client to secure and maintain housing stability, and enhance financial management. The strategies to accomplish this include a comprehensive, goal-oriented, and individualized plan of care.

Examples of *need* include, **but are not limited to**, the following:

- The client is unable to pay rent, mortgage, utilities, etc., due to their HIV status at the time assistance is requested, such as:
 - The client experiences a sudden loss of income due to changes in health.
 - The client is unable to work due to hospitalization, and therefore received significantly less pay and is unable to cover expenses.
 - The client had to purchase unexpected costly HIV medications out of pocket.
 - The client was not hospitalized but is too ill to work according to a physician's statement, and the client did not have a salaried position where sick and annual leave was accrued.
- The client is requesting assistance in an effort to move to more affordable housing to better accommodate their diminished income that has decreased because of their HIV status. For example, the client is forced to work fewer hours due to fatigue/illness and is only receiving Social Security Income (SSI).
- The client left employment, and is in the application period for disability benefits.
- The client had unexpected, unbudgeted medical expenses that must be paid.

Examples that are *not related to need* include, **but are not limited to**, the following:

- The client used their limited income to make vehicle payments and frequent repairs; to cover costs of maintaining pets; to make excessive long distance telephone calls; to purchase Christmas presents; to purchase illegal drugs and alcohol; to purchase frivolous items; to pay traffic citations, court, or probation costs, etc., expecting HOPWA to pay housing costs.
- The client had their wallet stolen.

- The client had fines/probation/restitution fees to pay.
- The client purchased excessive gifts.

NOTE: There may be situations where the client presents with a need that falls outside of the examples provided above. All questionable situations should be processed with a supervisor/program manager. The area contract manager should be included in this process as well. All attempts must be made to assist a client outside of HOPWA in order to avoid displacement.

Appropriate verification of the need for housing depends on the client’s circumstances; and may include, but is not limited to, the following documentation:

- Monthly mortgage statements.
- Lease/rental agreements.
- Certified letters from landlords or overdue notices.
- Utility statements or overdue notices.
- Original copy of utility bill.
- Phone bills or overdue notices.
- Bills/written estimates documenting housing-related expenses.
- Any additional documentation requested by the Housing Coordinator to support the request for housing assistance.

Special Conditions Disqualifying Clients from HOPWA Services (Even if They Meet the Core Eligibility Requirements)

HUD issued a letter directed to Public Housing Agencies (PHAs) dated June 17, 2011, speaking to the President's belief in the importance of second chances to ex-offenders in order to gain access to stable housing (<http://nhlp.org/files/Rentry%20letter%20from%20Donovan%20to%20PHAs%206-17-11.pdf>). Included in the letter are two (2) explicit bans on occupancy based on criminal activity, in which PHAs are required to establish a lifetime ban on admission to Public Housing and Housing Choice Vouchers.

The Florida State HOPWA Program has adopted this guidance and establishes a **LIFELONG BAN** on HOPWA services for the following individuals:

1. Individuals found to have manufactured or **PRODUCED METHAMPHETAMINE** on the premises of federally assisted housing (24CFR 960.204, 24CFR 982.553); and
2. **SEX OFFENDERS** subject to a lifetime registration requirement under a State sex offender registration program (24CFR 960.204, 24CFR 982.553).

The restriction of HOPWA assistance due to sexual offender registration **INCLUDES ANY HOUSEHOLD MEMBER /PERSON NAMED ON THE LEASE** as stated in the HOPWA contract, the Quality Housing and Work Responsibility Act (QHWRA) of 1998; and 42 U.S.C. 13663(a), Section 859, of the AIDS Housing Opportunity Act. **The project sponsor must maintain a statement signed by the leasee(s) certifying that the leasee(s) is not subject to a lifetime registration requirement under the state sex offender registration program. Project sponsors should use the following searchable databases for sex**

offenders: <http://offender.fdle.state.fl.us/offender/Search.jsp> (Florida) and <https://www.nsopw.gov> (National).

If an individual in question remains a registered sex offender, it is recommended to defer on the side of caution. HUD allows for more stringent policies that may include other criminal activities that are yet to be included in these policies and procedures. Based on the review of regulations and the subsequent language added to HOPWA contracts, this current stance will remain in place unless it becomes required to strengthen the language in the future. NOTE: Project sponsors (or their subcontractors) must advise applicants that the State HOPWA Program prohibits the use of funds to house registered sex offenders in accordance with the QHWRA of 1998. The project sponsor (or their subcontractors) must maintain in each applicant's file a statement signed by the leasee(s) certifying that the leasee(s) is/are not subject to a lifetime registration requirement under the state sex offender registration program. (Attachment). Even if a client is not qualified for a particular agency's services, HOPWA's goal is for Housing Coordinators to ensure referrals are made to other community services, if available, and attempt to engage the applicant into HIV care and other medical services.

The Florida State HOPWA Program, in keeping with the regulations set forth in the letter for PHAs, prohibits admission if any household member is currently engaged in illegal use of a drug; or the HOPWA provider has reasonable cause to believe that a household member's illegal drug use, alcohol use, or pattern of drug or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. Additionally, the program prohibits admission of an applicant for three (3) years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. In this case, however, the HOPWA provider retains discretion to consider the circumstances, and may admit households if the HOPWA provider determine that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program, including those supervised by drug courts, or that the circumstances leading to eviction no longer exist (24 CFR 960.204, 24 CFR 966.4, 24 CFR 982.553).

Also, HUD issued Notice PIH 2015-19 on November 2, 2015, with guidance for PHAs and owners of federally-assisted housing on excluding the use of arrest records in housing decisions (<http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>). The purpose of the notice is to inform PHAs and owners of other federally-assisted housing that arrest records may not be the basis for denying admission, terminating assistance, or evicting tenants; to remind PHAs and owners that HUD does not require their adoption of "One Strike" policies; and to remind them of their obligation to safeguard the due process rights of applicants and tenants. The notice also reminds PHAs and owners of their obligation to ensure that any admissions and occupancy requirements they impose comply with applicable civil rights requirements contained in the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act; Titles II and III of the Americans with Disabilities Act of 1990; and the other equal opportunity provisions listed in 24 CFR 5.105. Finally, the notice provides best practices and peer examples for PHAs and owners to review.

Chapter 7: Enrollment Process

Before a client applies for enrollment into the Florida State HOPWA Program, the client must be determined eligible for patient care services.

The enrollment process for HOPWA services may vary between project sponsors statewide, but there are minimum requirements that must be completed to qualify clients for the Florida State HOPWA Program. Also, the local project sponsors may require additional information. The Housing Coordinator will assist the client with the HOPWA enrollment process, and determine whether or not the client is qualified for the program.

Required Forms for Application for Enrollment

The following is a list of **REQUIRED FORMS** to be used in the application process for enrollment into the Florida State HOPWA Program. All of these forms should be maintained in the client's file, and will be used during the development of the Housing Plan of Care.

- Checklist (Attachment 7).
- Participation Agreement (Attachment 3).
- Application Form for Housing Assistance (Attachment 8).
- Verification of No Income (Attachment 6).
- Client Needs Assessment for Assistance (Attachment 9).
- Participant Rights and Responsibilities (Attachment 4).
- Consent to Release Information (Attachment 1).
- Client Budget Worksheet (Attachment 10).
- Housing Plan of Care (Attachment 11).
- Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment (Attachment 12).
- Landlord Agreement (Attachment 13).
- Security Deposit Agreement (Attachment 14).
- Client Agreement for Return of Security Deposit (Attachment 15).
- Client Housing and Support Service Payment Assistance Worksheet (Attachment 16).
- Memorandum of Understanding for Confidentiality of Client Information (Attachment 2).

Time frames for determining qualification for HOPWA assistance should be explained to the client during the application for enrollment process. If a client's qualification is pending receipt of specific requested information by the Housing Coordinator, the information requested and the source of authority should be cited in writing to the client. It is the responsibility of the client to return the requested information immediately to ensure a timely response for enrollment into the program.

Application and Assessment

HOPWA housing and services is a "needs-based" program, rather than a federal entitlement, and it is the responsibility of the project sponsor to conduct a thorough assessment of each client's needs and strive to serve those most in need.

Need for Housing

Assessing the need for housing and identifying an appropriate housing intervention is the key purpose to housing coordination and advocacy. The assessment process is critical in identifying the immediate needs of the client in order to stabilize them and allow for longer term planning. During the assessment and certification appointment the Housing Coordinator should follow these basic guidelines:

- a) Verify the client's current household composition.
- b) Verify client's total household annual income and secure proof /written documentation.
- c) Confirm the HIV positive certification.
- d) Secure a signed and specific release of information (ROI) form from all adult household members.
- e) Secure a completed and signed Client Participation Agreement.
- f) If documentation is missing, the Housing Coordinator should give the client a specific period, such as **fifteen (15) days** in which to deliver the documentation. If a follow-up appointment is necessary it should be scheduled at that time.
- g) Address immediate need for shelter, food, clothing or healthcare.
- h) Identify potential client barriers to finding or maintaining stable housing.
- i) Work in collaboration with all other service providers involved with the client to assure support linkages and develop a preliminary Client Housing Stability Plan.

After the assessment and certification has been completed, and the client has been accepted for HOPWA services, the Housing Coordinator should create or maintain all documentation in an orderly manner in a client file.

Issues and Barriers to Housing Stability

Housing Coordinators should be sensitive to, and attempt to proactively recognize, issues that could lead to or are causing a client's housing instability. Housing Coordinators will work in collaboration with all other service providers (as deemed necessary) involved with the client to identify potential issues and barriers relating to individual client's housing stability throughout their program participation. If Housing Coordinators and medical or care case managers are not one in the same, HIV case managers perform in-depth psychosocial assessments, which include the development of a care plan aside from the housing plan, related to the disease, mental health and/or substance use and the provision of such related care and treatment. They can provide the Housing Coordinator with information about client-related factors that may become a barrier to the client's housing stability. Some examples of issues or barriers might include:

- a) Failure to make timely housing-related payments.
- b) Poor money management skills.
- c) Deteriorating health such as HIV-related fatigue and dementia.
- d) Untreated or under-treated mental illness.
- e) Lack of life skills for independent living.
- f) Disruptive behavior resulting in loss or damage to property and disturbance of neighbors.
- g) Family violence histories.
- h) Criminal histories.
- i) Lack of credit.
- j) Lack of documentation of U.S. citizenship or legal residency status (for most federal benefits).

NOTE: There are additional elements that must be assessed depending on assistance type. See next sections for more details.

In order to qualify for STRMU, clients must demonstrate the following:

- Demonstrate Client's Legal Right to Occupy the Premises.
- (When applicable) Demonstrate Manufactured Housing/Mobile Homes/Trailers is permanently attached to ground with utility and sewer connections, as well as compliant with local guidelines.
- Demonstrate Circumstances Creating Financial Need.
- Demonstrate Expense to be Covered by HOPWA STRMU Program.

Chapter 8: Short-Term Rent, Mortgage, and Utility (STRMU) Assistance

Authority and Funding

Section 858 of the AIDS Housing Opportunity Act ("Act"), 42 U.S.C. 12907, authorizes the use of Housing Opportunities for Persons With AIDS (HOPWA) funds for Short-Term Rent, Mortgage, and Utility (STRMU) payments to prevent the homelessness of a tenant or mortgagor. The U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) administers the HOPWA program through the Office of HIV/AIDS Housing (OHH) and local HUD Field Offices. The HOPWA regulations implementing STRMU are found at 24 CFR 574.300(b) and 24 CFR 574.330.

Description of STRMU Assistance Program

HOPWA Program and STRMU Assistance

The goal of STRMU assistance under the HOPWA program is to provide short-term, stabilizing interventions to HOPWA qualified households experiencing a financial crisis as a result of their HIV/AIDS health condition or a change in their economic circumstances. STRMU assistance is a preventive housing intervention intended to reduce the risks of homelessness, and when utilized together with other HOPWA efforts, including access to health care services, case management, benefits counseling, and employment or vocational services, works to stabilize assisted households.

HUD seeks to foster long-term solutions to housing instability for households receiving time-limited housing assistance. Stand-alone STRMU assistance payments are likely to create only a temporary solution for an unstable living arrangement unless connected to a long-term housing stabilization plan. Grantees 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 qualified persons and their families 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. Section 3.4 provides further discussion on individual housing and services plans.

STRMU assistance is an eligible activity under the Florida State HOPWA Program. The STRMU assistance program serves persons who require assistance with rental, mortgage, and/or utility payments on an emergency, short-term basis. This assistance may also be applied to past due rent, mortgage, or utility payments. STRMU is time-limited housing assistance designed to prevent homelessness and increase housing stability. The goal of the program is to prevent qualified tenants or mortgagors from becoming homeless as a result of temporary financial pressures. Federal regulations state assistance cannot exceed 21 weeks (consecutive or not) within a 52-week period. The amount of assistance varies per client depending on funds available, tenant need, and program guidelines. **This program is not intended to provide continuous or perpetual assistance.** STRMU payments are likely to create only a temporary solution for an unstable living arrangement unless connected to a long-term Housing Plan of Care for maintaining the household. Positive long-term effects will often result by stabilizing a household or helping them connect to long-term support.

HOPWA is a "needs-based" program; therefore, applicants must demonstrate the level of assistance needed through verifiable documentation demonstrating that circumstance(s) beyond the control of the applicant has resulted in the inability to meet their current financial obligations. Documentation must confirm that applicants are low-income Florida residents with an HIV/AIDS diagnosis, and that they are the named owner of mortgaged real property, lease holder of a rented/leased unit, AND/OR named as the responsible party for utility payments. Assisted persons will also be required to participate in a Housing Plan of Care. Additionally, per HUD standards, applicants and providers must look to other housing programs offering long-term housing assistance rather than this program if the client assessment indicates that little or no improvement of the "conditions" that caused the financial burden is likely during or after the 21-week benefit period. A housing stability standard will be applied as part of the qualification determination to measure whether a person would be able to maintain their current housing arrangements following assistance under this program.

STRMU Program Qualifications

STRMU is designed to be a short-term, needs-based intervention to prevent homelessness. In addition to the general HOPWA qualification requirements, the applicant must demonstrate through verifiable documentation the following criteria in order to receive STRMU assistance:

1. The applicant's **income** (in addition to the requirement of not exceeding 80% of the median income for the service area in Florida) must include on-going source(s) of monthly income sufficient to meet rent or mortgage obligation, and utility payments as determined under the Housing Self-Sufficiency Standard.
2. The applicant must be a **tenant on a valid lease** for property in which they have been residing for a time before seeking the HOPWA assistance [a minimum of one (1) month prior occupancy], or be the **owner of a mortgaged dwelling** in which they reside. The client must be currently housed (homeless individuals are not qualified for STRMU assistance). The client must be able to document that he/she has a legal right to occupy the premises, or has responsibility for the utility payment. **NOTE:** In the case of a family unit where, for example, a spouse or minor has an HIV/AIDS diagnosis and resides in the dwelling to be assisted but is not named on the lease, mortgage, or utility account, then documentation of the household composition that describes the relationship to the person named on the mortgage, lease, or utility account must be provided (e.g., marriage or birth certificates, legal guardianship papers).

3. The applicant has or is experiencing **circumstance(s) beyond the applicant's control** that has resulted in an inability to meet rent, mortgage, and/or utility obligations in spite of ongoing income source(s). The client must demonstrate he/she does not have the resources to meet rent, mortgage, or utility payments; and, in the absence of STRMU assistance, would be at risk of homelessness. **NOTE:** Documentation of a default or late payment notice is not required; the client can provide copies of bank statements and bills to demonstrate need.
4. Persons receiving assistance through HOPWA Tenant-Based Rental Assistance (TBRA) or **other federal, state, or local housing subsidy program are not qualified** for assistance under the STRMU program.

STRMU is designed as a short-term, needs-based intervention to prevent homelessness. As such, potential STRMU households must meet all three of the following criteria in order to receive STRMU assistance:

- 1) A household must meet the two basic HOPWA program qualification criteria:
 - a) A household must have at least one person verified to have an HIV or AIDS diagnosis; and
 - b) The total household income must be at or below 80 percent of the area median income (AMI), as defined by HUD.
- 2) A household must have legal residency in housing and/or be responsible for utility payments.
- 3) A household must demonstrate need for the assistance.

The three qualification criteria for HOPWA STRMU assistance, including basic program qualifications (diagnosis and income), legal residency in housing, and demonstrated need are described in more detail in the following sections.

HIV and Low-Income Status

To receive STRMU assistance, a household must meet the HOPWA program qualification criteria. The HOPWA regulation defines a qualified person as “a person with acquired immunodeficiency syndrome or related diseases who is a low income individual ... and the person’s family” (24 CFR 574.3). The term “family” is defined as “one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or well-being, and the surviving member or members of any family described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death” (24 CFR 574.3). Low-income is measured by household income at or below 80 percent of the area median income (AMI) as defined by HUD.

A household whose sole member living with HIV/AIDS is a minor is qualified for STRMU assistance. In this situation, written verification indicating that an adult member of the household has legal custody of the minor child must be obtained and maintained in the file and the entire household income must be taken into consideration for purposes of income qualification. The minor child must reside in the household at least 51 percent of the time. In this situation, the adult would be considered the head of household of the family, but the minor child is the qualified person that qualifies the entire household for assistance.

HOPWA grantees and/or project sponsors must maintain documentation that the qualified person receiving assistance is HIV positive or has a diagnosis of AIDS, as determined by a health professional competent to make such a determination. Sufficient documentation evidencing such determinations

includes documentation resulting from appropriate HIV tests administered by a physician's office, HIV counseling center, or community health center.

Documentation must also confirm that the qualified person and his/her family have a household income that is at or below 80 percent of area median income, as published by HUD on an annual basis (<http://www.huduser.org/portal/datasets/il.html>). Documentation must include periodic updates to income information. HUD's CPD Income Eligibility Calculator (<https://www.hudexchange.info/incomecalculator/>) is available to assist HOPWA grantees and project sponsors in determining and documenting household income qualification. Links to these resources are provided below.

Housing Status

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

STRMU assistance may be provided in shared housing arrangements where two or more unrelated households live together. In shared housing situations, only the assisted individual's income, not the entire household income, would be included in income and assessment calculations.

STRMU assistance can be used to assist qualified individuals who have a lease naming them as a tenant, but who live with an adult family member if one of the following two conditions is met:

1. The qualified person lives with an adult family member and the entire household is assisted. In this case, all household income is included, and the entire household meets the HOPWA low-income qualification guidelines and STRMU evidence of need requirements.
2. The qualified person is renting a unit/room from an adult family member and a "reasonable accommodation" is determined necessary for the client. Due to the reasonable accommodation determination, the family's income is not counted in determining the qualification of the person living with HIV/AIDS for STRMU assistance payments.

Evidence of Need

STRMU assistance is needs-based and intended to benefit HOPWA qualified households that are experiencing a financial crisis arising from their HIV/AIDS health condition or a change in economic circumstances. To be qualified for STRMU assistance, 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 assistance.

When a household is unable to make payments for monthly housing costs, STRMU assistance may be used for costs that are not covered or reimbursed by other available resources. STRMU providers are responsible for verifying and documenting a participating household's inability to make required housing payments. The STRMU provider should 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 assistance will alleviate the payment delinquency so as to avoid the eviction and result in, at least, temporary stability for that household. The STRMU provider should also ensure that the household's ongoing housing needs are assessed in connection with the development of an individual housing and services plan for the household.

STRMU providers should establish a reasonable basis to quantify and verify the need for STRMU assistance. Examples include:

- 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).
- A Housing Coordinator's assessment of "need" that includes a variety of elements such as current, previous, and future month's financial situation, employment and benefits status, and HIV/AIDS health-related conditions.

A household budget review of these costs and assessment of inability to meet such costs should be completed by the Housing Coordinator and documented in the household's file.

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 assistance. Other ways to verify need and amounts owed include documentation of utility, mortgage or rent payments due and/or calls to the utility company, landlord, or mortgage company prior to a late payment notice being issued, which could potentially help avoid added late fees as additional costs.

Demonstrating Client's Legal Right to Occupy the Premises

The client must be able to document that he/she has a legal right to occupy the premises, AND/OR has responsibility for the utility payment. The client must have a minimum of one (1) month prior occupancy before applying for HOPWA STRMU assistance. Examples of acceptable documentation are as follows:

- Rent payments (rent is associated with a lease on property owned by a third party)—Client must be named tenant under a valid lease, or referenced in the lease as occupant of the premises. The rental or lease agreement lists the applicant and other household occupants (copy of which also serves to verify Florida residency).
- Mortgage payments (mortgage is a loan from a bank to pay for a house)—Client must demonstrate that he/she is owner of mortgaged real property (mortgage, deed of trust, title insurance policy; copy of which also serves to verify Florida residency).
- Utility payments—Client must have account in their name, or proof of responsibility to make utility payments (copies of money orders, cancelled checks, receipts).

Clients who have prior criminal histories, poor credit, or lack of rental history often do not have leases or utility accounts in their name; however, they are responsible for paying the housing expenses. Utility bills that are not in the clients name may be paid with state HOPWA funds provided utilities are where the client resides, and payment is due or overdue. If the applicant is a minor, documentation of the relationship to the person named on the lease, mortgage, or utility account must be provided.

Assistance for Manufactured Housing/Mobile Homes/Trailers

Assistance can be made to clients who live in manufactured housing/mobile homes/trailers in limited circumstances:

- A rent, mortgage, or utility payment must be the basis for the assistance, and an applicant must provide documentation of the payment/expense.
- The home must be permanently attached to ground with utility and sewer connections, as well as compliant with local guidelines for manufactured housing/mobile homes/trailers.
- Lot mortgage/rent and manufactured housing/mobile home/trailer mortgage/rent may be paid with STRMU assistance for they both are all considered part of the mortgage or rent/lease.

Manufactured housing/mobile homes/trailers with wheels (capable of being relocated) are considered personal property, and therefore are not qualified for STRMU assistance.

Demonstrating Circumstances Creating Financial Need

Examples of Circumstances Beyond Applicant's Control

The applicant is unable to pay rent, mortgage, and/or utilities at the time assistance is requested because:

- Applicant is unable to work due to recent hospitalization, and therefore received significantly less pay and is unable to cover expenses;
- Applicant had to recently purchase unexpected costly HIV medications, or pay for unexpected medical expenses out of pocket;
- Applicant was not hospitalized but was too ill to work in the recent past according to a physician's statement, and the applicant did not have a salaried position where sick and annual leave was accrued;
- Applicant left employment, has been declared presumptively eligible for disability benefits in writing, and is pending commencement of benefits; **or**
- Applicant has attempted, but has been unsuccessful, in collecting child support legally owed to the applicant.

NOTE: Other circumstances may be reviewed and considered by the Housing Coordinator. Documentation for other circumstances must be included in the client's file. Documentation provided should verify the unique situation of the client.

Examples of Circumstances Not Beyond Applicant's Control

The applicant used their limited income to:

- Make payments on a vehicle beyond their means;
- Pay for excessive long-distance telephone calls;
- Purchase illegal drugs;
- Purchase frivolous or financially excessive items; **or**
- Pay traffic citations; or court, restitution, or probation costs.

Or the applicant is expecting HOPWA to be an entitlement to cover all housing costs.

Allowable Expenses

STRMU can temporarily cover a set amount up to 100% of an overdue (payments in arrears) and ongoing rent, mortgage, or utility payment; and is intended as a bridge to more permanent housing solutions, such as obtaining long-term rental assistance, increasing household income, or helping a household resolve a short-term crisis. Although STRMU assistance does not require the applicant to pay a portion of the rent, mortgage, 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. The completion of the Client Budget Worksheet (Attachment 10) and the Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment (Attachment 12) will identify the client's ability to contribute a portion of their available income to offset the State HOPWA Program's contribution. The completion of the form is required however, the client is encouraged, not required, to contribute the portion indicated on the form.

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. STRMU is not intended to provide regular monthly relief to households in situations that are not financially manageable under normal circumstances. If a household is living in a unit that is not normally affordable for them, then access to long-term rental assistance (HOPWA or other) would be a better solution than STRMU assistance.

Rental Assistance

To be qualified for rental assistance, households must have a legal right to reside in the unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the tenant as the leaseholder or a qualified household occupant, or a default/late payment notice that identifies the qualified person or a resident member of the family as a named tenant under the lease. As a general matter, if the qualified person is not named on a valid lease either as a tenant or an authorized occupant, the person has no legal right to reside in the unit and is therefore not qualified for STRMU assistance.

While an oral lease for less than a year may be valid in some states, most states require a written lease to establish a legal tenancy and HOPWA adopts this clear standard. This position is also consistent with other HUD rental assistance programs, which require such documentation (e.g., HOME, CoC, Housing Choice Vouchers). As a practical matter, not requiring a written lease for households in rental situations may leave grantees in a vulnerable position in documenting STRMU assistance payments during audits and reviews.

Please note that STRMU rental assistance must be reasonable, and represent actual housing costs. Unlike other forms of HOPWA assistance, tenants are not required to pay 30 percent (30%) of their income towards the rent or mortgage payment. However, if they are able, clients should pay a portion of their housing costs as any portion paid by the tenant does not count against the 21-week STRMU benefit ceiling. Also, late fees, reconnect fees, and other penalties may be paid if, in the event of nonpayment, the household is at risk of eviction or loss of housing.

Mortgage Assistance

To be qualified for mortgage assistance, the qualified person must demonstrate that he/she is 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 qualified person or a resident member of the family as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the qualified person or a resident member of the family as the property owner/debtor. STRMU providers 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 short-term qualified STRMU period ends.

STRMU mortgage assistance payments 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 example, the Federal Housing Administration (FHA) requires that a homeowner's monthly payment include property taxes, special assessments (if applicable), flood insurance (if applicable), and fire or other hazard insurance premiums in addition to principal and interest (see 24 CFR 203.22 through 203.24). These additional charges are held in escrow for payment by the lender on behalf of the homeowner. Other forms of financing allow a mortgagor to pay for taxes, insurance, and condo fees separately. For the purposes of STRMU assistance, 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 are qualified to 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 are, therefore, not qualified.

Other forms of assistance, such as homeownership programs, may provide alternative forms of support for costs not included on the mortgage payment statement. Alternatively, grantees may limit the mortgage assistance payments to only the principal and interest payments if the grantee would like to adopt a local standard that gives every recipient of its program the same level of assistance, irrespective of whether other escrow items are included in the borrower's mortgage payment statement.

STRMU mortgage assistance payments 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, among others) may lead residents to foreclosure and eviction. STRMU assistance provides short-term mortgage payments regardless of priority (i.e., the first or second mortgages) to eliminate the threat of homelessness for an adequately housed qualified person.

Please note that STRMU rental assistance must be reasonable, and represent actual housing costs. Unlike other forms of HOPWA assistance, tenants are not required to pay 30 percent (30%) of their income towards the rent or mortgage payment. However, if they are able, clients should pay a portion of their housing costs as any portion paid by the tenant does not count against the 21-week STRMU benefit ceiling. Also, late fees, reconnect fees, and other penalties may be paid if, in the event of nonpayment, the household is at risk of eviction or loss of housing.

Utility Assistance

To be qualified for utility assistance, an applicant must reside in the unit legally and have an account in his/her name with a utility company or proof of responsibility to make utility payments, such as cancelled checks, money orders, or receipts in their name from a utility company. Individuals who have prior criminal histories, poor credit or lack of rental history often do 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 assistance based on the utility account not being in their name.

The HOPWA program may only pay basic utilities, meaning electricity, gas, and water. Hookup fees and deposits are allowable expenses; however, they should be paid with HOPWA funds only after all other funding alternatives are exhausted. Late fees, reconnect fees, and other penalties may be paid if, in the event of nonpayment, the household is at risk of eviction or loss of housing.

Demonstrating Expense to be Covered by HOPWA STRMU Program

Verifiable documentation of applicant expense to be covered by HOPWA program STRMU assistance is as follows:

- Monthly mortgage statements or lease/rental agreements.
 - In order to determine **MORTGAGE REASONABLENESS**, a description of the portion of the property being used by the applicant (when household income is not included and is roommate/shared housing) and an estimate (in percentage) of the amount of space used by the applicant must be considered. Payments will be based upon the fair market rent (FMR) value for the area.
 - Example: An applicant is living with his/her parents or roommate. Their mortgage is \$950 per month on a 3 bedroom home. They have a written agreement with the applicant to pay \$250 per month. In order to qualify, the HOPWA- certified individual would solicit a description of the space used (a bedroom, a bathroom, shared kitchen, shared laundry, shared living room). This is approximately 42% of the house considering a 12-room house. Five rooms divided by 12 possible rooms equal 42%. Therefore, since 42% of the \$950 mortgage is \$399, they are charging a reasonable amount.
- Default/late payment notice for rent, mortgage, or deed of trust; or certified letters from landlords.
- Original copy of utility bill, or default/late/overdue payment notice for utilities showing period of service rendered.

Costs Not Allowable

STRMU assistance 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, a household with a Housing Choice Voucher (commonly referred to as a Section 8 voucher) or other type of rental assistance is not qualified for STRMU assistance to cover the portion of the rent that the household is responsible to pay.

STRMU assistance 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 assistance may not be provided to assist households in moving into a new housing arrangement. STRMU assistance may not be used for moving assistance, security deposits, or first month's rent. STRMU assistance is designed to help renters and homeowners stay in their current place of residence; as a result, security deposits and first month's rent are not eligible costs under STRMU. However, these costs are eligible as permanent housing placement (PHP) costs.

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, household supplies, furnishings, **automobile/transportation/car repairs**, and basic phone service costs **are NOT eligible under STRMU**. In some situations, a grantee may determine that their HOPWA programs will allow reasonable costs for basic phone services that are determined necessary to assist a household in accessing services, such as maintaining consistent and accurate participation with medical treatment protocols, care or other essential supportive services as an eligible cost under HOPWA supportive services. Telephone expenses are not payable as a utility expense under STRMU. However, such expenses may be covered as a supportive service expense in limited circumstances.

Time Limitations for STRMU Assistance

The AIDS Housing Statute and HUD regulation 24 CFR 574.330 set strict time limits for STRMU assistance. Assistance may not be provided for costs accruing over a period of more than 21 weeks in any 52 week period (called the “benefits period”). It is due to this strict time limitation that this program assistance is limited to those who could otherwise afford to live in their housing situation after the period of assistance provided. If an applicant is in need of assistance beyond the 21-week period, they should be receiving regular long-term assistance rather than STRMU. **It should be noted that short-term support should be connected to helping households with more long-term needs with other forms of support.**

Waiver of Time Limits for Short-Term Rent, Mortgage, and Utility (STRMU) Payments

HUD can consider a waiver for the STRMU 21-week time limitation for a period of one year on a case-by-case basis. However, this action has a number of procedural steps and should be considered deliberately when looking for other options. The project sponsor should advise the Florida State HOPWA Program well in advance of any need for a waiver request to HUD. The Florida State HOPWA Program, in turn, will be in contact with their local HUD Field Office representative to consider and discuss the waiver process. Ultimately, HUD’s Assistant Secretary for Community Planning and Development (CPD) considers all waivers for approval with the concurrence of the Office of General Counsel (OGC). The Office of HIV/AIDS Housing will provide support for the Assistant Secretary’s consideration of the STRMU waiver request, and will help process all requests with concurrence by OGC. Additional guidance regarding waiver requests can be found at <https://www.hudexchange.info/resource/4843/hopwa-short-term-rent-mortgage-and-utility-assistance/>.

21 Weeks of Assistance

The HOPWA statute and related regulations place limitations on the length of time clients may receive STRMU assistance. The “eligible STRMU period” is limited to no more than 21 weeks in any 52-week period. STRMU assistance may not be provided for costs accruing during a period of time that exceeds the 21-week period. STRMU providers are, therefore, required to examine the periods of time covered by

rent, mortgage, and utility costs to assure that assistance is not provided in excess of the eligible STRMU period.

Defining the Eligible STRMU Period

The Florida State HOPWA Program has selected the method of STRMU providers establishing a unique eligible STRMU period for each individual household based on the time period covered by the STRMU assistance. Using this method, the eligible STRMU period begins on the date that the STRMU assistance is first provided. The eligible STRMU period for a household would end 52 weeks after the first STRMU benefit started accruing. At the end of this 52-week period, the next eligible STRMU period would begin for that household.

In order to ensure consistency in tracking STRMU assistance across all project sponsors/subcontractors, the Florida State HOPWA Program has selected the method of rounding a month to four weeks.

This method rounds each month to four weeks for up to 21 weeks of assistance. Rental and mortgage costs generally cover a calendar month period consisting of slightly more than four full weeks. Rounding each calendar month to four weeks allows for five months and one week of assistance to equal the 21-week limit, regardless of the number of days in those months.

Example: A rental period of June 1 through June 30 is rounded down to four weeks. If payment was made for 75% of a month's rent, it would be tracked as three weeks; 50% of a month's rent would be tracked as two weeks; and 25% of a month's rent would be tracked as one week. For example, if the monthly rent is \$1,000, assistance payments would count as follows: \$1,000 of assistance counts as four weeks, \$750 of assistance would count as three weeks, \$500 of assistance would count as two weeks, and \$250 of assistance would count as one week.

Monthly utility service periods generally do not coincide with rent or mortgage periods, rather they likely span parts of two calendar months (e.g., May 7 through June 6). When assisting only with utility costs, the monthly assistance period is rounded down to four weeks of STRMU support.

Example: A utility period of May 7 through June 6 is rounded down to four weeks. If payment was made for 75% of a utility bill, it would count as three weeks; 50% of a utility bill would count as two weeks; and 25% of a utility bill would count as one week.

If both a housing bill and utility bill are paid to address the household's STRMU need but the dates of service do not coincide, the benefit period would be calculated as follows: Count this overall assistance as one month (four weeks) if at least 14 days of the utility period coincide with the rent/mortgage period. In situations where less than 14 days coincide, count the remaining portion of the utility period as the next month of assistance for tracking purposes.

Example #1: A rental period of May 1 through May 31 is rounded down to four weeks. The utility period of May 7 through June 6 results in 25 days coinciding with the rental period; therefore, a total of four weeks is counted in May for the payment of both rent and utilities.

Example #2: If the utility bill had coincided with the May rental period for less than 14 days (e.g., May 20 through June 19, equaling 12 days rounded up to two weeks in May), part of this assistance (19 days) would be attributed to June as three additional weeks of assistance added to the four weeks attributed to May for rent assistance. This rental and utility assistance counts as a total of seven weeks of assistance.

The weeks of STRMU assistance do not have to be consecutive, but the period of time in which the HOPWA program may pay for a person's rent, mortgage, or utilities is limited to the total expense accrued over 21 total weeks out of any 52 weeks.

Example #1: If the applicant receives assistance with rent back payments that are two months in arrears, then the two months back payment for rent would be counted as four weeks each of assistance; therefore, the applicant is only qualified to receive an additional 13 weeks of assistance under the current time limitations of 21 weeks.

Example #2: In the case of utilities, the period for which service was rendered and that the client is receiving assistance to cover is counted. If the period of service provided was June 2 to June 30 and July 1 to July 31, and payment is now due August 15, then the weeks of assistance are eight weeks covering June 2 to July 31.

NOTE: When rental or mortgage and utility assistance are provided for the same month, this is counted as one month (one access) of HOPWA assistance. For contractual purposes, one unit served equals one month of rent, mortgage, and/or utility assistance.

52-Week Period

There are several acceptable methods for calculating the 52-week period for STRMU. In order to ensure consistency in tracking STRMU assistance across all project sponsors/subcontractors, the Florida State HOPWA Program has selected the method of establishing a separate period of qualification for each applicant (i.e., one year from the day the applicant begins receiving assistance).

The 52-week period begins on the date that a STRMU payment is made on behalf of the client (i.e., the monthly period that the first housing and/or utility assistance payment is made to the payee from the applicant, including any overdue bills, prior to the date the applicant made the request, which also establishes the beginning of the count towards the maximum number of weeks of assistance). The applicant's period of qualification would end 52 weeks after the first STRMU benefit started accruing. At the end of the 52-week period, the next period of qualification would begin.

Example #1: If an applicant first receives assistance in August to cover two months of back rent covering June and July, then the start of the 52-week period is June 1 and 13 weeks of assistance remain that could be provided through May 31 (assuming need for additional assistance is demonstrated).

Example #2: In the case of the utilities example above for 21 weeks, the 52-week clock would commence on June 2 and end 52 weeks later.

Example #3: For an applicant that may require assistance with both rent and utilities, counting starts with the earliest date of assistance. Using the examples above for 21 weeks, the 52-week clock would start on June 1, and the weeks of assistance would run concurrently.

Need Must be Demonstrated for Prospective Assistance Exceeding Two Months

Client requests for prospective short-term assistance that exceeds two months are contingent upon:

- Continued need; and
- Demonstration of progress in meeting budget and housing plan goals set within the first 15 days of assistance.

The Housing Coordinator shall conduct a **TWO MONTH FOLLOW-UP ASSESSMENT** to:

- Review efforts made by the client;
- Determine continuing need; and
- Identify additional housing goals for the remaining period of assistance.

For any additional assistance received during a STRMU program period, HOPWA project sponsors and their clients are required to reassess the need for assistance on a **MONTHLY** basis.

Amount of Assistance

Although STRMU assistance does not require the client to pay a portion of the rent or utility bill, STRMU 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, STRMU providers may determine an appropriate household contribution amount through the completion of the Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment (Attachment 12). Such determinations limit STRMU assistance to the difference between the amounts due and the amount the household is able to pay. STRMU providers 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.

For example, through the assessment process, a STRMU provider might determine that the client is able to pay \$200 of their \$800 rent (equal to $\frac{1}{4}$ of the total). For the purposes of tracking, the amount of weeks or period of assistance used would be only for the part of the monthly housing costs assisted by STRMU. In this example, $\frac{3}{4}$ of the month or three weeks of assistance would count towards the household's total eligible STRMU period. In this example, the household's rent payment of \$200 decreases the amount of time that counts towards the eligible STRMU period. If the household had a need to apply again for STRMU assistance within the same 52 week period, that household would have more time remaining in its eligible STRMU period than if the household had not made any contribution towards the rent previously.

Capped Payments

HOPWA grantees may establish or may authorize a project sponsor to establish a dollar limit or "capped payment" amount of STRMU financial assistance for individual households. In establishing a capped amount, grantees must assess the area's Fair Market Rent, rent reasonableness, and/or other measure of the area's housing market. The goal of this assessment is to ensure that the level of support allowed is sufficient to avoid an ongoing household housing crisis. A community may use the local Public Housing

Authority Housing Choice Voucher Program (HCVP) payment standards as the capped payment amount, may place a limit on the total dollar amount of funding a client is eligible to receive, or the number of times in the 52-week period a client may apply for assistance.

If caps on the allowable amount of STRMU assistance are established, the use of these caps must be applied in a uniform, consistent and non-discriminatory manner by a grantee and all of its funded project sponsors. In the case that a household receives the maximum capped STRMU assistance amount, HUD will consider the assistance to have been attributable to the entire 21-week period allowed by the regulations.

If the grantee establishes, or allows a project sponsor to establish, a capped amount of STRMU assistance, the use of the limit must be included as an expressed element of a formula grantee's Annual Action Plan and Consolidated Plan or as a specific element in a competitive grantee's approved application. The use of capped payments should be assessed for its appropriateness in providing assistance to qualified persons and monitored for consistency by the grantee. Grantees may ask questions or request technical assistance through the HUD Exchange website, if they need additional support to develop a method to conduct such an assessment.

Applying to the STRMU Assistance Program

Screening and Preparation of Application by Housing Coordinators

Applicants are screened for eligibility for HIV/AIDS patient care programs as per the "eligibility rule" in Florida. If determined eligible, the applicant is then referred to the appropriate service provider.

Applicants should ask their Housing Coordinator for assistance to ensure that forms are completed properly, and that all required documentation is submitted at the time that application is made. The Housing Coordinator should first screen their client to ensure that he/she is a possible candidate for the STRMU assistance program.

1. To avoid delay in processing a request for assistance, Housing Coordinators should assist their client in fully completing the application and assembling all required back-up documentation.
2. Once the application is complete and all back-up documentation assembled, the Housing Coordinator should make a formal determination of the client's housing need, the amount of assistance, and the length of time for assistance.
3. Once all HOPWA program qualifications are met, the client will be informed of their opportunity to receive assistance.

Meeting Program Qualifications

Upon verifying the applicant's household income, the Housing Coordinator shall make a determination of:

- If the applicant meets the income qualification requirement; and
- Period of assistance available to the applicant.

Favorable Determination

Upon favorable determination of meeting HOPWA program qualifications, assistance will begin. Recipients of short-term assistance will be required to meet with the Housing Coordinator to develop and agree to a **HOPWA HOUSING PLAN OF CARE within 15 days** of starting the assistance.

Unfavorable Determination

In the event that an applicant is denied assistance, the applicant will be provided a written explanation of the determination and the source of authority for determining the applicant's denial for assistance. Appropriate referrals to other resources and for other funding sources can be explored with the applicant. Also, the applicant may file a complaint, grievance, or appeal (refer to the *Client Complaint, Grievance, and Appeal Procedures* document in Attachment 17).

Development of the Housing Plan of Care

STRMU providers must document the appropriateness of providing STRMU assistance for each assisted household. Ongoing assessment of the housing assistance and supportive services is required by 24 CFR 574.500. These requirements should be met through a housing needs assessment and the development of a Housing Plan of Care for each STRMU assisted household.

The Housing Application and Assessment is intended to provide information to help achieve housing stability and is an opportunity to collect as much information as possible about the household's needs, preferences, and challenges. This information helps inform the development of a Housing Plan of Care and the services that are subsequently provided.

The Housing Plan of Care should document a household's goals for housing, identify resources and services needed to achieve those goals, outline what assistance will be delivered and who will deliver it, and include an estimated timeline for achieving goals. All Housing Plans of Care should be developed collaboratively between a household and Housing Coordinator or other appropriate staff person.

Within 15 days of the start of short-term assistance, the recipient (with the help of the Housing Coordinator) will develop and commit to an individualized Housing Plan of Care. The primary goal of the Housing Plan of Care is to assist the recipient in maintaining independence from HOPWA at the end of the time-limited assistance. The Housing Plan of Care will address the following financial aspects:

- Assisting the recipient to plan and budget their finances; and
- Encouraging the recipient to get additional mortgage counseling (if applicable), and other credit or financial counseling.

In addition to the financial aspects, alternatives to HOPWA services should be explored and include, but are not limited to:

- Exploring lower cost housing options.
- Exploring housing options with family members.
- Exploring locations close to family members for increased family support.
- Seeking other public assistance housing programs.
- Moving to a community where the recipient has a support network, and/or access to affordable and available housing.

Documentation of efforts to help the clients to maintain affordable housing must be maintained in the client's file. The HOPWA project sponsor/subcontractor reserves the right to refuse further assistance if the recipient does not demonstrate an effort to implement all or portions of his/her Housing Plan of Care.

For more information, the HOPWA Rental Assistance Guidebook (<https://www.hudexchange.info/resource/2818/hopwa-rental-assistance-guidebook/>) provides an in-depth discussion on developing Housing Plans of Care in Chapter 3.

Provisions and Limitations

1. HOPWA funds are provided to those meeting program qualifications, and **no single client can be guaranteed receipt of assistance**. Applicants for short-term assistance who meet program qualifications will be served according to the *Florida State HOPWA Program Policies and Procedures*.
2. This program cannot provide emergency housing assistance to persons who are homeless or need assistance with move-in costs. HUD guidelines state that applicants are only low-income Florida residents with an HIV/AIDS diagnosis; and that they are the named owner of mortgaged real property, lease holder of a rented/leased unit, or named as the responsible party for utility payments. These HUD guidelines also prohibit use of these funds for move-in expenses.
3. Financial payments on behalf of the client shall be made **directly to the landlord, mortgagee, or utility company**. The HOPWA project sponsor may **not** make payment directly to the client or make cash payments of any kind, including checks made out to cash.
4. The Florida State HOPWA Program may **not** make payment of more than the actual cost of rent/lease, mortgage, or utility. Condominium and/or association fees can be included in mortgage assistance. Property taxes not included as part of the mortgage payment may **not** be paid with HOPWA funds. Financial planning is included as part of the monthly assessment. Any available or residual funds available to the applicant should be included as part of the client goals to establish permanent housing stability.
5. The Florida State HOPWA Program may only pay basic utilities (meaning electricity, gas, and water).
6. HUD rent standard and utility guidelines **do not** apply to rent or mortgage assistance under this STRMU program; however, STRMU assistance is intended to assist households remain in their own dwelling independently. If a dwelling is not affordable, based on the household's income, efforts should be made to assist the household in locating more affordable housing rather than providing ongoing STRMU support for housing that not sustainable.
7. Applicants should **not** rely on this assistance as it can be denied, or delayed or denied for reasons beyond the control of the program. The applicant should budget their finances accordingly, and pay rent or mortgage on time if at all possible and regardless of the status of the application to avoid receiving eviction or default notices.

Suitable Housing Units

As part of the assessment process for STRMU, providers should ensure that housing supported with STRMU assistance is safe, decent, and sanitary. In order to expedite payment and prevent homelessness, a housing quality standard inspection is not required initially for the use of time-limited STRMU assistance. However, HUD strongly recommends that continued occupancy of any HOPWA-supported housing meet HOPWA's habitability standards found at 24 CFR 574.310(b)(2) and that any observed deficiencies noted in an individual housing and services plan are addressed appropriately. If providers

assess that a STRMU applicant or assisted household is residing in substandard housing, the individual housing stability plan should seek to address any unit deficiencies or move the client to housing that meets HOPWA's habitability standards and is in compliance with all applicable State and local housing standards.

Lead-based paint requirements **do not** apply for STRMU assistance when:

- The STRMU assistance is lasting 100 or fewer consecutive days;
- The assisted unit is a zero-bedroom unit;
- The household does not have members who are pregnant or are children under the age of six; or
- The housing was built in 1978 or after.

Lead-based paint requirements **do** apply for STRMU assistance when:

- The STRMU assistance is lasting more than 100 consecutive days;
- The housing was built before 1978; and
- The household has members who are pregnant or are children under the age of six.

If lead-based paint requirements apply, then before STRMU assistance can be provided for that unit:

- A visual assessment for deteriorated paint must be done for the unit, the common areas servicing the unit, and the exterior surfaces of the building where the unit is located.
- Staff must complete an hour-long online training course before they are allowed to perform visual assessments. HUD's Lead-Based Paint Visual Assessment Training Course can be found here: <http://www.hud.gov/offices/lead/training/visualassessment/h00100.cfm>.
- If deteriorated paint is identified by the visual assessment, it must be repaired along with the building component underneath the surface finish, if that component is defective, and, unless the amount of deterioration is below a specified threshold, the repair work must be done using lead-safe work practices and the affected area tested and "cleared" to allow safe occupancy.
- Residents must be provided a lead hazard information pamphlet and a notice regarding the deteriorated paint work and clearance results.
- The grantee has determined that the cost of the deteriorated paint work will be paid by the owner/developer.

After STRMU assistance has been provided:

- Ongoing lead-based paint maintenance must be incorporated into regular building operations.
- If any additional deteriorated paint is addressed, additional notice to residents is required.

For additional guidance, see the HOPWA Rental Assistance Guidebook, Chapter 5

(<https://www.hudexchange.info/resource/2818/hopwa-rental-assistance-guidebook/>).

STRMU assistance can be provided to households who live in mobile homes, trailers, and motor homes in some situations. STRMU assistance payments are permitted in accordance with guidance established for the HOME Affordable Housing program in HUD CPD Notice 03-05. As described in Notice 03-05, mobile homes, motor homes, trailers, recreational vehicles, and other like vehicles with wheels on the ground, capable of relocating and not attached to the earth, are considered personal property and therefore are not qualified for STRMU assistance. HOME guidance considers units attached to the earth as "real" property (as in real estate). Such units must also be connected to permanent utilities and meet local guidelines for mobile home housing. Households residing in attached real property mobile homes that

are connected to utilities and meet local guidelines are qualified to receive STRMU assistance. Space rental costs in a mobile home park are allowable STRMU assistance costs.

Connection to Permanent Housing

As a short-term intervention tool, STRMU assistance is not intended to provide continuous or perpetual assistance. Other types of long-term permanent housing assistance should be employed when household assessments indicate that little or no improvement of the conditions that caused the current financial burden are likely during or after the 21-week eligible STRMU period. Other long-term permanent housing assistance and/or programs include:

- HOPWA Project-Based or Tenant-Based rental assistance and facility-based housing
<https://www.hudexchange.info/hopwa>
- Housing Choice Vouchers (formerly Section 8)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv
- HUD-Veterans Affairs Supportive Housing (HUD-VASH)
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash
- Continuum of Care (CoC) Program
<https://www.hudexchange.info/programs/coc/>
- Public Housing
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph
- HOME Investment Partnerships Program
<https://www.hudexchange.info/programs/home/>
- Section 811 Supportive Housing for Persons with Disabilities Program
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/grants/section811ptl
- Section 202 Supportive Housing for the Elderly Program
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/progdesc/eld202
- Low-income Housing Tax Credits
http://lihtc.huduser.gov/agency_list.htm
- United States Department of Agriculture Housing Assistance
http://www.usda.gov/wps/portal/usda/usdahome?navid=HOUSING_ASSISTA
- And other state and local resources, when available.

If it is determined that a STRMU-assisted household needs ongoing rental assistance or other forms of long-term permanent housing beyond the eligible STRMU period to address immediate housing needs, STRMU providers should seek to connect households to these resources. Households that were assisted with STRMU are qualified to receive other types of HOPWA housing subsidy assistance, and complementary HOPWA Supportive Services, if that assistance would meet the household's assessed need. Note that many available housing programs provide rental housing assistance and, therefore, are not available to homeowners seeking mortgage assistance.

Rental assistance subsidy programs address monthly housing costs, but may not provide assistance for security deposits, including last month's rent, and/or utility deposits. HOPWA Permanent Housing Placement (PHP) funding may be used for this purpose.

Chapter 9: Permanent Housing Placement (PHP)

Permanent Housing Placement (PHP) at 24 CFR 574.300(b)(7) is an allowable activity under the Florida State HOPWA Program in which the goal is to help **ESTABLISH** permanent residence when continued occupancy is expected. PHP may be used to compliment other forms of HOPWA housing assistance. For example, it can be used to adjust to changes in care needs by assisting persons transitioning from more supportive settings and programs with securing alternative housing arrangements (i.e., it may be used to assist STRMU clients who have exceeded the 21-weeks of allowable assistance).

Allowable Expenses

Eligible costs under PHP include services and financial assistance costs. Eligible PHP service costs include services or activities designed to assist individuals or families in locating suitable housing, which at a minimum would be referral to housing that is decent, safe and sanitary, subject to requirements covering other assistance programs (if applicable). These may include:

1. Costs associated with **LOCATING** housing.
 - Housing referral.
 - Tenant counseling.
 - Understanding a residential lease and its obligations.
 - Mediation of disputes related to tenant/landlord issues that may arise.
 - Making moving arrangements.
2. Costs associated with **PLACEMENT** in housing.
 - Application fees and credit check expenses.
 - First month's rent and security deposit (not to exceed the value of two months' rent).
 - One-time utility connection fees and processing costs (utility deposits).

Not Allowable Expenses

The following costs are **not** covered by PHP funds:

- Moving costs.
- Standard furnishings.
- Housekeeping/housing supplies.
- Minor repairs to the unit associated with the move-in.

- Smoke alarms.
- Other incidental costs for occupancy of the housing unit.

NOTE: While the above items are not allowable as HOPWA costs for PHP assistance, **LEVERAGED FUNDS** or **DONATIONS** may be used to address the related needs for other move-in support for HOPWA clients.

Recovery of Deposits

Security deposits are Florida State HOPWA Program funds that **MUST BE RETURNED** to the program when the assisted tenant leaves the unit. Project sponsors/subcontractors must maintain a record of all security deposits. Good faith effort must be made to recover program funds upon the departure of the client from the unit.

NOTE: When PHP assistance is provided for the same month, this is counted as one month (one access) of HOPWA assistance. For contractual purposes, one unit served equals one month of PHP assistance.

Additional guidance on PHP can be found at <https://www.hudexchange.info/resource/1014/permanent-housing-placement-services-fact-sheet/>.

Chapter 10: Transitional Housing Assistance (or Short-Term Supported Housing Assistance)

Under 24 CFR 574.330, HOPWA funds may be used to provide temporary shelter to qualified individuals. Transitional housing (or short-term supported housing facilities) is an allowable activity under the Florida State HOPWA Program. Short-term facilities are intended to provide temporary shelter to program qualified individuals to prevent homelessness, and allow an opportunity to develop an individualized Housing Plan of Care to guide the client's linkage to permanent housing.

Examples of transitional housing facilities include, but are not limited to, furnished apartments, **HOTEL/MOTEL ROOMS**, housing rooms, etc., that foster independent living while more permanent arrangements are sought. These facilities provide temporary shelter to persons living with HIV/AIDS (PLWHA) who are homeless.

NOTE: For contractual purposes, one unit served equals one day of transitional housing placement assistance.

Time Limits

The Code of Federal Regulations, 24 CFR Part 574.330(a), states: “A short-term supportive housing facility may not provide residence for any individual for more than **60 DAYS** in any six month period.” The need for transitional housing is generally calculated on a daily basis, and is no longer than 60 days.

If a client initially needed transitional housing placement (60 days during any six month period), and then progressed to needing STRMU assistance (up to 21 weeks, or five months), a client could receive HOPWA assistance under both service categories. HUD does allow an individual to receive up to 60 days of transitional housing placement assistance **FOLLOWED BY** 21 weeks of STRMU assistance. These combined services may last approximately seven months.

Rate Reasonableness

The daily rate charged for a unit of service must be reasonable in relation to rates currently being charged for comparable units in the private unassisted market. It must not be in excess of rates currently being charged by the facility for individuals not receiving HOPWA assistance. If a situation in which the fair market rate standards cannot be secured, the Housing Coordinator should thoroughly document their housing search efforts and note what plans are being made towards securing long-term, affordable housing. At no time should this rate reasonableness requirement be waived.

Residency Limitation

According to 24 CFR 574.330 (b): “A short-term supported facility may not provide shelter or housing at any single time for more than 50 families or individuals.”

Case Management

According to 24 CFR 574.330 (e): “A program assisted under this section shall provide each assisted individual with an opportunity to receive case management services from the appropriate social services agencies.”

Placement in Permanent Housing

According to 24 CFR 574.330(c): “Each short-term facility must, to the maximum extent possible, offer individuals residing in such housing the opportunity for placement in permanent housing.”

Additional Information

- Transitional housing facilities supported under the Florida State HOPWA Program should be identified and listed as **EMERGENCY SHELTER** for PLWHA in the community’s Continuum of Care homeless assistance plan.

- People residing in homeless shelters are eligible to be housed in units assisted under HUD’s Continuum of Care homeless assistance programs (e.g., Supportive Housing Program). They are also eligible to access other types of HOPWA assistance and other HUD housing programs.
- Some areas may have funded emergency and transitional housing as part of care plans through their Ryan White programs. This related housing assistance is not defined as a core medical service under Ryan White, and is subject to limitations (refer to <http://hab.hrsa.gov/> for additional guidance).

NOTE: Project sponsors/subcontractors are not required to calculate and charge clients rent payments in connection with transitional housing.

Chapter 11: Housing Information/Resource Identification

Housing Information/Resource Identification, information, and referral services are dedicated to helping persons living with HIV/AIDS and their families to identify, locate, and acquire housing. This may also include fair housing counseling for qualified persons who may encounter discrimination based on race, color, religion, sex, age, national origin, familial status, or handicap/disability. Florida State HOPWA Program funds may be used for Housing Information/Resource Identification to **ESTABLISH**, **COORDINATE**, and **DEVELOP** housing assistance resources for qualified persons (including conducting preliminary research and marketing necessary to determine the feasibility of specific housing-related initiatives).

Housing Information/Resource Identification is available to all individuals regardless of qualification for further HOPWA funded services, and has a cap of 5% of direct housing services.

Chapter 12: Tenant-Based Rental Assistance (TBRA)

Tenant-Based Rental Assistance (TBRA), including shared housing arrangements, is an allowable activity under federal regulations governing HOPWA grant funds (24 C.F.R. 574.300(b)(5)), designed to serve low income PLWHA who require assistance with rental payments for an **EXTENDED PERIOD OF TIME**. TBRA is subject to federal HOPWA regulations that establish a client rent contribution requirement, program rent subsidy limitations, occupancy, and housing quality standards. See 24 C.F.R. 574.310(b) and (d), and 574.320. The goal of the program is to assist program participants in achieving and maintaining housing stability so as to avoid homelessness, and improve their access to and engagement in HIV treatment and care.

Unlike facility-based assistance which is a subsidy attached to a specific building or unit, TBRA is a rental subsidy used to help participants obtain permanent housing in market-rate units, including shared-leased housing in the private rental housing market that meets housing quality standards and is rent

reasonable. Working much like the Section 8 Housing Choice Voucher Program, HOPWA tenant-based assistance pays the difference between the Fair Market Rent or “reasonable rent” and the tenant’s portion of the rent. With TBRA, the HOPWA project sponsor makes rental payments directly to property owners. The HOPWA subsidy covers a portion of the full rent; the tenant also pays a portion based on their gross income or adjusted income, as described in detail below.

NOTE: Reasonable security deposits for HOPWA TBRA clients can be provided as a Permanent Housing Placement service, which is a separate HOPWA activity. **Late and reconnect fees are not allowable under TBRA.**

Although HUD considers HOPWA TBRA to be permanent housing, many project sponsors utilize it as a long-term “transitional” program until households (if qualified) can secure Housing Choice Voucher (Section 8) housing or other affordable stable housing; therefore, allowing more HIV positive households to be served. Generally in those cases, failure to accept an offer of the Housing Choice Voucher program (Section 8) or other affordable stable housing may result in termination of HOPWA assistance, or other action.

In order to monitor a tenant-based rental assistance program fully, site visits to multiple locations are necessary, since monitoring TBRA relies on the inspection of units at least annually and home visits provide a perspective on clients’ housing stability that is not evident through office visits.

The TBRA voucher is not tied to a specific unit, so tenants may move to a different unit without losing their assistance. Working much like the Section 8 Housing Choice Voucher Program, HOPWA tenant-based assistance pays the difference between the Fair Market Rent or “reasonable rent” and the tenant’s portion of the rent. With TBRA, the **HOPWA project sponsor makes rental payments directly to property owners.**

Qualifications

To qualify for the State of Florida HOPWA TBRA Program, the applicant must demonstrate through verifiable documentation that:

1. The applicant resides in the State of Florida HOPWA service region. Note that only housing units located within Florida may be assisted under the HOPWA Program.
2. The applicant has received a medical diagnosis of HIV or AIDS, as defined by the Centers for Disease Control and Prevention (CDC).
3. The applicant household’s income does not exceed 80 percent of the median family income for the county of residence, as determined by the Secretary of HUD on an annual basis. In calculating income, the State of Florida HOPWA TBRA Program counts the income of all applicable household members (with the exception of income earned from the employment of dependent children under age 18).
4. The applicant is enrolled in Ryan White Program Part B-funded HIV Case Management, unless the applicant is qualified for HOPWA only.
5. The applicant is homeless or at risk of homelessness.
6. The applicant is a citizen of the United States or legal immigrant.
7. The applicant has an on-going source(s) of monthly income sufficient to meet their daily living needs, including their adjusted rent obligation and utility payments.

8. If the applicant is under 18 years of age, the applicant must live as a family unit with the applicant's parents or legal guardians.
9. Individuals **must not** have been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing (public housing).
10. Individuals **must not be subject to lifetime registration** requirements under the sex offender registration program.
11. Persons who received HOPWA assistance in one service area and move to another service area must re-apply for HOPWA assistance under the application procedures set forth in this Manual (i.e., assistance under HOPWA is not portable).
12. Persons receiving short-term assistance **may not** simultaneously receive long-term assistance.

Administering the HOPWA TBRA Program

The process of paying monthly rental subsidies on behalf of clients requires the Florida State HOPWA Program to develop and follow a set of TBRA program procedures and to ensure that all required documentation is in place. This section describes the key requirements that are important to operating and managing a HOPWA rental assistance program at the client level. Though these requirements are not unique to the HOPWA program, they are critical to meeting and complying with HUD and HOPWA program and funding requirements.

The following are key components to administering the HOPWA TBRA program:

- Setting the rent standard and conducting a rent reasonableness assessment.
- Determining income and calculating resident rent contribution.
- Determining the maximum rental subsidy amount.
- Administering the rental subsidy.

Setting Rent Standard

HOPWA federal regulations state the rental assistance program must have a rent standard that sets the limit for housing costs for each unit size—from one-bedroom (efficiency) to six-bedroom units. The Rent Standard is the maximum value of an allowable rental unit (includes both rent and utilities). The HOPWA regulations (24 CRF 574.320 (a)(2)) specify how the rent standard should be set for a rental assistance program. This standard includes both **RENT** and **UTILITY** costs (electricity; fuel - natural gas or oil; water; sewer; and trash removal) and can be no higher than the published Housing Choice Voucher (Section 8) program's Fair Market Rent (FMR) or the HUD-approved communitywide exception rent for the unit size. There is an exception to this rent standard limit which can be reviewed on a unit-by-unit basis; however, it can only increase the rent standard by a maximum of 10% and can be used towards no more than 20% of the units assisted. These rent standard guidelines helps ensure that selected units are modest rather than luxury housing.

Based on the federal HOPWA regulations, the Florida State HOPWA Program determined that the rent standard for the TBRA program will be the FMR.

The Fair Market Rent (FMR) will be used as the Rent Standard that is defined as the *maximum value of an allowable rental unit (includes both rent and utilities)*.

NOTE: Utilities included in the Rent Standard for TBRA are electricity, fuel (e.g., natural gas, oil), water, sewer, and trash removal. **Telephone, internet, and cable are NOT included.**

The Florida State HOPWA Program is required to **MAINTAIN DOCUMENTATION** on the rent standards used for its programs and are required to **MONITOR** their project sponsors following procedures described in the HOPWA Grantee Oversight Resource Guide to ensure that rent standards are applied in a correct manner throughout the service area. Additionally, the Florida State HOPWA Program will provide access to the rent standard and other guidance material to the project sponsors/CHDs.

Using FMR

Fair Market Rents (FMR) is HUD's annual gross rent (plus utility) estimates for metropolitan areas and nonmetropolitan county FMR areas. HUD sets FMRs to assure that a sufficient supply of rental housing is available to Housing Choice Voucher (Section 8) program participants. FMRs are the estimated total housing costs (rent plus utilities) in a community. Across the country, many HOPWA grantees use HUD's published FMR as a guide in setting the rent standard. HUD annually updates and publishes FMR schedules (usually in October) that provide rental information for Metropolitan Statistical Areas (MSAs) and/or counties for programs targeting areas outside of MSA. FMRs are provided based on the bedroom size of the units (i.e., one-bedroom, two-bedroom units, etc.). The current FMR may be found under "Data Sets" on the HUD USER website at www.huduser.org.

Choosing to Offer Unit-by-Unit Exception

In addition to the FMR, the Florida State HOPWA Program has the authority to increase the rent standard determined on a unit-by-unit basis. This exception allows the State Program to increase the rent standard by up to 10%, but may do so for no more than 20% of the HOPWA rental units.

Annual Review

The Florida State HOPWA Program will review the rent standards **ANNUALLY** against the new FMR schedule and adjust it if needed to **ensure the rent standards are at least 90% of the new FMR**. In practice, a rent standard for a unit should not fall below 90% of the current FMR because it is likely that there would be fewer units available and more units that are substandard. One notable exception is when households are already housed in units with rents that meet the previous years' rent standards; these households would continue to rent the units with no change in rent through the term of the lease. At lease renewal, the rent would be re-evaluated in terms of both the rent standard in effect and the reasonable rent requirements.

Determining a Change in Rent Standard Based on New FMR

A HOPWA grantee may choose to adjust its rent standard based on the new FMR, but adjustments are not mandatory as long as they meet certain requirements described in the next section. Based on the grantee's housing market (e.g., rent reasonableness and vacancy rate), a grantee may determine that adjustments in the rent standard are not needed. Further, increasing rent standards could limit the number of qualified persons that could be served by the program, as available funding may limit the number of qualified households that can be assisted. However, a higher rent standard may increase the

options of affordable housing available to assisted households. If the FMR decreases, the grantee should ensure that the rent standard is not higher than 100% of the FMR.

To determine if the rent standard should be adjusted, grantees can examine several factors:

- **Availability of affordable units.** This may be demonstrated by reasonableness data (discussed in the next section, Rent Reasonableness), vacancy rates, and supply or location of housing. If qualified households are having trouble finding affordable housing within the rent standard, the rent standards for the area may be too low.
- **Size and quality of housing.** The size and/or quality of housing may be limited due to the rent standards. The grantee may track data collected during the HOPWA habitability standards review to determine if certain trends are occurring (i.e., lack of one-bedroom units or units with utilities).
- **Time to locate housing or the voucher expires without leasing.** If qualified households are unable to find housing within 90 days of entering the program or the time period for finding housing expires, the rent standard may be too low for the area.
- **Large number of turnovers.** If there is a high rate of turnover of qualified households receiving housing rental assistance, the rent standard may be too low to allow qualified households to access neighborhoods with amenities necessary for the family. For example, access to neighborhoods with good public transportation, schools, work, or other community amenities may be limited based on the rent standard used.

Applying the Adjusted Rent Standard

If an adjustment is made to the rent standard, the grantee has the option of making the change within 90 days following the release of the new HUD FMR or at the beginning of the grantee's next program year.

The Florida State HOPWA Program determined any adjustment to the Rent Standard will occur at the beginning of each program year (e.g., July 1).

For example, if the FMR schedule is released in October and the grantee's program year begins in July, the grantee has the option to begin using the new rent standard either by January (90 days following the release of the FMR) or in July at the beginning of the program year. Whichever method is used by the grantee should be described in the Consolidated Plan, grant proposal, or equivalent document and be approved by HUD. If a grantee chooses to begin using the new rent standard prior to the method approved by HUD, the grantee must provide a justification to HUD and receive approval of the requested change before using the new rent standard.

- **Lowering the rent standard.** If the grantee determines the rent standard should be lowered, the new rent standard applies to new tenants, tenants moving to a new unit, tenants with a change in family size or composition, or at the anniversary of the lease. Grantees may wait to apply the new rent standard until the second anniversary of the lease start date to allow for a grace period for the household to adequately plan for the adjustment (which could include the need to move if the current unit no longer is within the adjusted rent standard).
- **Increasing the rent standard.** If the grantee determines the rent standard should be raised, the new rent standard would apply to new tenants, tenants moving to a new unit, or at the anniversary of the lease (when the lease is up for renewal).
- **Case-by-case increase of the rent standard.** HOPWA regulations (24 CFR 574.320 (a)(2)) allow, on a unit-by-unit basis, a grantee to increase the amount of the established rent standard by 10% for up to 20% of the units assisted. Such an increase can be provided when a grantee is using

either of the two methods for determining the rent standard discussed earlier in the chapter. Grantees may grant authority to their project sponsors to conduct such increases; however, it is up to the grantee to monitor such a provision to ensure that no more than 20% of the units receive such increases. A case-by-case increase may be applied to the unit at any time the grantee deems necessary.

Rent Reasonableness

In order to determine rent reasonableness, the rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market. It must not be in excess of rents currently being charged by the rental property for comparable unassisted units. Payments will be based upon the fair market rent (FMR) value for the area located at www.huduser.org. However, if after conducting a housing search, housing that complies with the fair market rent standards cannot be secured then temporary housing that exceeds the fair market rent standards may be utilized. If this situation arises, the Housing Coordinator should thoroughly document their housing search efforts and note what plans are being made towards securing long-term, affordable housing. **At no time should the rent reasonableness requirement be waived.**

Program staff must ensure that the rents being charged for the assisted units are reasonable, as described in the HOPWA regulations 24 CFR 574.320 (a)(3). Reasonableness is tested in two ways.

- **REQUIREMENT ONE:** First, the rent charged for the unit must be reasonable in relation to rents currently being charged for comparable units in the **private unassisted market**.
- **REQUIREMENT TWO:** Second, the rent charged cannot be higher than rents currently charged **by the owner (landlord) for comparable unassisted units**.

The purpose of the requirement is to ensure that no property owner artificially inflates assisted units over comparable unassisted units. At no time should the rent to the owner exceed the reasonable rental amount.

WHEN to Conduct Rent Reasonableness Assessments

Project sponsor staff is required to assess the rent reasonableness of a unit in the following circumstances:

- **Before entering into an agreement with a landlord.** A project sponsor should not enter into an agreement with a landlord without first determining if the requested rent of the unit is comparable to other unassisted units.
- **Before increasing the rent to a landlord.** A project sponsor should recertify that the requested higher rent is reasonable as compared to other unassisted units.
- **When the FMR decreases.** If, during an annual recertification, there is a decrease of 5% between the new FMR and the previous year's FMR for the unit size, a project sponsor needs to conduct a rent reasonableness review. If the current rent is found not be reasonable, the project sponsor should negotiate a lower rent with the landlord to ensure the rent remains reasonable.
- **Requested by HUD.** If HUD has reason to question the grantee's system or the accuracy of the rent reasonableness, HUD may request rent reasonableness reviews of all or a portion of a grantee's units.
- **At any time determined by the grantee.** A grantee can conduct a rent reasonableness assessment at any time, for example as part of routine monitoring.

HOW to Conduct Rent Reasonableness Assessments

Project sponsor staff must ensure that each unit assisted is rent reasonable throughout the tenancy of the qualified household. To this end, the project sponsor should have established policies on how rent reasonableness will be determined and documented. Project sponsor staff must document the decision-making process and the decision in the tenant's file.

Project sponsor staff should not assume that if the rent of an assisted unit is within the established rent standard that the unit's rent is reasonable. It is possible that a unit may be within the rent standard established by the grantee and still not be reasonable. Project sponsor 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.

MEETING REQUIREMENT ONE: The rent charged for the unit must be reasonable in relation to rents currently being charged for comparable units in the **private unassisted can be determined by** one of the following two options 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, HOPWA grantees and 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.
- **Review of comparable units.** A grantee or project sponsor may also choose to conduct their own review of comparable units. 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.
 - **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 unattached or attached? Is it in a large or small complex? Is it a single- or multi-family unit?
 - **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 leases:

- **Amenities:** Is a washer/dryer, dishwasher, or new carpet provided in the unit? Do tenants need to pay for washing clothes and linens (in the building or at a self-service laundromat)?
- **Housing services:** Are services provided to tenants?
- **Maintenance:** Does the lease specify some form of tenant responsibility for maintenance of the unit (e.g., lawn care)?

- **Locating units for comparison.** There are a variety of methods for locating units for comparison, including newspaper advertisements, Internet sites (e.g., www.craigslist.org, www.rent.com), 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.
- **Documenting the comparison.** A variety of forms may be used to document the rent reasonableness of assisted units (see Attachment 18 for a sample Rent Reasonableness Checklist and Certification). The form should address the factors discussed above and should compare the unit to be assisted with three other comparable units. The contract rent for the unit to be assisted should be at or below the contract rent of the three comparable units. If the unit rent is determined to be unreasonable, rental assistance should not be provided for this unit.

The Florida State HOPWA Program determined using the Review of Comparable Units to ensure rent reasonableness.

MEETING REQUIREMENT TWO: Second, the rent charged cannot be higher than rents currently charged **by the owner (landlord) for comparable unassisted units**. In addition to ensuring the rent reasonableness of a unit compared to other private market units, project sponsor staff must ensure the rent of a unit is reasonable compared to the rent of other comparable unassisted units owned by the landlord. To meet this second reasonableness requirement, project sponsor staff must request certification from the landlord that the rent being charged for the assisted unit is comparable to rents charged for other comparable unassisted units owned by the landlord. The landlord should provide previous rent charged for the unit to be assisted, current rent charged by the landlord for comparable unassisted units, and estimated rent for a comparable unassisted unit, if the unit was vacant. If the requested rent is not reasonable, meaning the rent is not comparable to rent charged for other comparable units owned by the landlord, assistance may not be provided for this unit unless an adjustment in the requested rent is made.

Determining Resident Income

Determining the client household's annual income and adjusted income is a critical step in determining how much the household will be able to contribute to housing and ultimately, the amount of the rental subsidy for the client. This section describes how to calculate the household's annual income and adjusted income.

Determining Annual Income

Determining annual income allows the Florida State HOPWA Program to 1.) Ensure the basic qualification for HOPWA rental assistance is documented (only low-income households—those with income below 80% of the Area Median Income (AMI)—may receive HOPWA rental assistance); and 2.) Determine the amount the household will contribute toward their housing expense (with the balance paid with HOPWA funds).

HUD publishes the annual income limits on the HUD USER website found at www.huduser.org/portal/datasets/il.html. Grantees and project sponsors can find the current income limits for their area(s) under “Data Sets.”

The HOPWA Income Eligibility Worksheet and Tenant Income and Rent Calculation Worksheet provides a comprehensive format for calculating annual income, adjusted income, and resident rent contribution. Whatever summary format is used, compliance relies on the proper use of these formats and requires that adequate supporting documentation is collected. This worksheet can be found at <http://www.floridahealth.gov/diseases-and-conditions/aids/patient-care/documents/hopwa-worksheet.xlsx>.

- When determining household income, there are rules regarding the income to include and exclude. For HOPWA rental assistance programs, income covered by the **Earned Income Disregard (EID)** should be excluded. In February 2001, HUD finalized regulations that require housing providers in certain HUD programs to disregard some or all of the earned income for tenants with disabilities (24 CFR 5.617). This is commonly known as the Earned Income Disregard (EID) and should be considered when determining annual income. EID allows qualified individuals and families receiving housing assistance to keep more of their earned income for a period of up to two years following an increase in employment income. The purpose is to assist persons with disabilities in obtaining and retaining employment, as an important step toward economic self-sufficiency. Additional guidance on Earned Income Disregard is provided as Attachment 19.
- **Zero-Income.** Some households entering the HOPWA program may indicate that they have no income. In such cases, agencies are expected to document this fact by obtaining a certification of “no income” from the applicant. A sample of a Zero-Income Certification Form is provided as Attachment 20.

Determining Adjusted Income

After the household’s annual income has been calculated and the household is determined income qualified for HOPWA assistance, the next step is to determine a household’s adjusted income. Adjusted income considers adjustments to income to establish how much the household will be required to pay for its housing, covering both basic utilities and rent.

The HOPWA Income Eligibility Worksheet and Tenant Income and Rent Calculation Worksheet provides a comprehensive format for calculating adjusted income. There should be additional documents on file to support entries on this summary form. Each category of income adjustment listed below includes a description of typical documentation:

- **Disabled/Elderly.** A household that meets the definition of an elderly or disabled household is entitled to a deduction of \$400 per household. Even if more than one person in the household is elderly or disabled, there is only one \$400 adjustment for the entire household. **The documentation of HIV/AIDS showing qualification for the HOPWA program is generally sufficient for showing qualification for the disability income adjustment.** Acceptable forms of documentation include documentation from a health professional qualified to make such a decision or an HIV/AIDS test conducted by a physician, community health center, or HIV counseling center.
 - To qualify for this adjustment as a disabled household, the person with the disability must be the head of the household, spouse of the head of household, or the sole member of the

household. In cases where the only person with disability is a dependent child, the household does not qualify for this adjustment on the basis of disability.

- To qualify for this adjustment as an elderly household, the head of the household, spouse of the household, or sole member of the household must be 62 years of age or older.
- **Dependents.** When calculating adjusted income, **deduct \$480 from annual income for each household dependent** (24 CFR 5.611(a)(1)). HUD's definition of dependent is different from the Internal Revenue Service (IRS) definition. HUD defines a dependent as any household member who is not the head, co-head, or spouse, but who is:
 - Under the age of 18 years,
 - Disabled (of any age), or
 - Full-time student (of any age).

Documentation in the file should verify age, disability, or student status, as applicable.

- **Child Care Expenses.** Reasonable child care expenses paid out of pocket by the tenant for the care of a child age 12 or under may be documented and deducted from annual income if the child care (1) enables an adult family member to seek employment actively, be gainfully employed, or further his/her education, and (2) expenses are not reimbursed (24 CFR 5.611(a)(4)). Deducted expenses cannot exceed income earned.
- **Medical Expenses.** Elderly or disabled households (as defined previously) that have no disability assistance expenses (see below) may claim out-of-pocket medical expenses in **excess of 3% of annual income** as a deduction (24 CFR 5.611(a)(3)(i)). Medical expenses that may be considered include all medical expenses anticipated to be incurred during the coming year that are not covered by insurance or reimbursed through other sources. File documentation should clearly document these expenses and consider whether some or all of the claimed expenses might be reimbursed from other sources.
- **Disability Assistance.** Disability assistance expenses paid out of pocket by the tenant can also be deducted from annual income to the extent that they exceed 3% of annual income (24 CFR 5.611(a)(3)(ii)). The purpose of this deduction is to recognize expenses for the care of a disabled person that enables the disabled person or some other family member to work. Disability assistance expenses may include the cost of a care attendant and/or auxiliary apparatus that enables a household member, including the disabled member, to work. Both medical expenses and disability assistance expenses are limited to those in excess of 3% of annual income. For families who qualify for both types of expenses, the allowable amount is the amount by which the combined expenses exceed 3% of annual income. Because disability assistance expenses are also capped by the amount of income earned, a special calculation is required. Program staff should first calculate the allowable disability assistance expenses and then add to that the allowable medical expenses.

Calculating Resident Rent Contribution and Maximum Rental Subsidy

After verifying the determination of both annual income and adjusted income, the next step is to calculate how much the resident will pay for housing—the payment to the landlord and resident paid utilities. By regulation (24 CFR 574.310(d)), residents receiving HOPWA rental assistance must pay as rent, including utilities, an amount that is the **higher** of:

- 30% of monthly adjusted income,
- 10% of monthly annual income (annual income before adjustments, divided by 12), or
- Welfare payments specifically designated to meet housing costs.

Except for unusual circumstances, 30% of monthly adjusted income will be higher than 10% of monthly annual income. **So in most cases, the resident rent contribution will be 30% of adjusted income.** HOPWA requires that residents pay the amount calculated regardless of the rent for the unit (as long as housing costs for the unit meet the rent standard and rent reasonableness requirements). In a few areas, the agency administering “Temporary Assistance to Needy Families” (TANF) designates a portion of the welfare payments for rent. In these localities, the file must include documentation of this amount.

Rent and Utility Deposits

A HOPWA rental assistance program may choose to provide assistance with rent and utility deposits using Permanent Housing Placement funds. This funding option allows for the payment of reasonable costs to move clients into permanent housing. Security deposit costs cannot exceed two months of rental costs. In addition to the security deposit, funds may also be used for utility connection fees and processing costs. A HOPWA rental assistance program that provides such rent and utility deposits should require that landlords and utility companies pay any returned deposits directly to the program rather than to the client. Funds recaptured in this manner are considered program income and must be applied to future rental program or housing placement activities.

Payment Process

- Set up initial landlord vendor accounts for payment of rent deposits, if applicable, and the rental subsidy.
- Establish a procedure to request, process, and track monthly payments to landlords.
- Set up utility accounts for payment of client utility allowances directly to the utility company, or set up accounts for payment of utility allowances directly to clients.
- Establish a procedure to request, process, and track monthly payments to utility companies or clients.

Clients should be reminded that because utility allowances are based on an average and may not cover the entire utility bill, the client may have to make residual payments to the utility company.

- The payment standard established by the Local Housing Authority (LHA) (i.e., the LHA’s adopted community-wide exception rent) **-OR-** the area’s Fair Market Rent (as established by HUD). The maximum amount of assistance is based on the lower of the two.
- The maximum amount of monthly assistance under this program is one-hundred percent (100%) of the rent calculation (determined from the bullet point above) in the service area **-LESS-** the amount of the participant’s required share of the rent payment, usually thirty percent (30%) of the individual or family’s adjusted monthly income.

The total rent being charged for a unit must be reasonable in relation to rents currently charged for comparable units in the private unassisted market, and must not be in excess of rents currently being charged by the property owner for comparable unassisted units. Clients must be recertified for TBRA at least annually to verify continued qualification. Federal HOPWA funding is awarded annually, therefore clients should be advised that there is no guarantee of continued assistance. Subsidized housing units must be inspected annually as well.

HOPWA income qualification and rent calculation regulations refer to portions of HUD Regulations 24 CFR Part 5 that are also used by the Housing Choice Voucher Program (HCVP) or Section 8 program; however, it is important to note that there are some differences between the two programs and caution should be used in transferring procedures from one program to the other. The method described below applies to the HOPWA program. HOPWA participant rent payments must be the higher of three amounts:

1. 10% of gross household income (gross household income is the total of all pre-tax income received by all household members, including earnings from income-producing assets).
2. 30% of the family's monthly-adjusted income (adjusted income is figured using the list of income inclusions and exclusions detailed in HUD regulations 24 CFR 5.609, 5.611 and 5.617).
3. Amounts received households receiving welfare assistance from a public agency, with a part of the payments specifically designated for housing costs (adjusted in accordance with the family's actual housing costs).

The HOPWA project sponsor must pay the balance of the rent up to the lesser of the lease or rental agreement rent or the most current Fair Market Rent (FMR) value, and reasonable rent for comparable units in the area. Any documentation used to determine TBRA assistance must be maintained in the client's file. HOPWA funds must not be given directly to a client.

Utilities with TBRA

Unless utilities costs are paid by the landlord as part of the rent/lease amount, clients are expected to establish accounts with the local utility company and pay the entire monthly costs for usage. However, when utilities are **not included** in the rent and the client is billed directly for usage by the utility company, an allowance or credit for reasonable consumption must be subtracted from the client's rent payment portion (the higher of 10% of monthly gross income or 30% of the monthly adjusted income). The utility allowance amounts or credits are established locally by the Public Housing Authority (PHA) based on local utility rates and updated annually. Grantees and project sponsors should contact the PHA in their areas to obtain the most current Utility Allowance Schedule for use in the computation of the client's rent payment.

NOTE: It is important to remind clients that the utility allowance credit for their out-of-pocket utility costs is deducted from their portion of the rent payment to the landlord; therefore, they are responsible for paying the full utility bill each month directly to the utility company, and budget accordingly. In rare cases, after the utility allowance is credited, the tenant rent portion may result in a negative amount - meaning that the project sponsor must refund that amount each month to the tenant OR pay it directly to the utility company on the client's behalf. Associated HUD Regulation 24 CFR 982.514(b) states that, if paid directly to the utility, the project sponsor must notify the household in writing of the amount paid to the utility on their behalf and maintain documentation in the client file.

Earned Income Disregard (EID)

24 CFR 574 5.617 requires Earned Income Disregard (EID) in certain situations. EID is an important incentive for disabled persons receiving HOPWA TBRA or facility-based housing. The purpose is to assist persons with disabilities in obtaining and retaining employment as an important step toward economic self-sufficiency. The "Earned Income Disregard" allows qualified individuals and families to keep more of

their **earned income from employment** for a period of up to two years if they meet one of three (3) tests. Annual income increases as a result of:

1. Employment of a family member with disabilities and who was previously unemployed for one or more years; or
2. Earnings by a family member with disabilities from participation in an economic self-sufficiency or job training program; or
3. Increased employment earnings of a family member with disabilities while receiving, or within six months after receiving, welfare assistance worth at least \$500.

EID becomes effective after the client has moved into HOPWA-assisted housing, where their qualifying income is considered the “base” income. If they meet one of the three (3) tests above, and the Housing Coordinator is notified of the increase in income, EID will allow 100% of the earned income above the base income to be disregarded for a period of 12 months after the start date of the employment resulting in the increase. For increased earnings that continue beyond 12 months, EID permits a continued disregard of 50% of earnings above the base for another 12 months for a total of 48 months of increased earnings disregarded prior to counting the additional employment income towards an increase in tenant rent payment. Also, the 24 months of EID can be spread out over 48 consecutive months allowing the client to start and stop work, if necessary, such as someone who may only have periodic or seasonal work. Once the 48 month period has expired, the EID is no longer eligible, regardless of how many months of EID were provided during that time. See <https://www.hudexchange.info/training-events/courses/earned-income-disallowance-training/> for more information about EID).

NOTE: EID does not apply to all of the new earned income. For example, a person receiving SSI or SSDI may receive an increase in benefits or regular income from other non-employment sources. This income will be counted towards the tenant rent payment portion because it is not a result for employment that met one of the three EID tests.

HOPWA Housing Habitability Standards

All HOPWA-assisted housing must meet both state and local housing standards and HUD’s habitability standards as outlined in 24 CFR Part 574.310(b) (see <https://www.gpo.gov/fdsys/pkg/CFR-2010-title24-vol3/pdf/CFR-2010-title24-vol3-sec574-310.pdf>). Housing supported by HOPWA funds must, at a minimum, meet the following federal HOPWA Housing Habitability Standards set forth below:

- **Structure and Materials**--The structures must be 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. If the unit is a manufactured home, it must rest upon a suitable permanent or non-permanent foundation.
- **Access**--The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.
- **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.
- **Interior Air Quality**--Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.
- **Water Supply**--The water supply must be free from contamination at levels that threaten the health of individuals. If the unit is a manufactured home, it must be connected to permanent utility hook-ups.

- **Thermal Environment**--The housing must have adequate heating and/or cooling facilities in proper operating condition.
- **Illumination and Electricity**--The housing 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. If the unit is a manufactured home, it must be connected to permanent utility hook-ups.
- **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.
- **Sanitary Condition**--The housing and any equipment must be maintained in sanitary condition.
- **Lead-Based Paint**--If the structure was built prior to 1978, and there is a child under the age of six or a pregnant woman who will reside on the property, and the building has a defective paint surface inside or outside the structure, the unit cannot be approved until the defective surface is repaired in accordance with 24 CFR Part 35 (see http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf). Defective paint surface means: the paint is cracking, scaling, chipping, peeling or loose. If after testing lead is found present, the surface must be abated and repaired in accordance to the above regulation. During the housing inspection the Housing Coordinators must furnish the client with a copy of the pamphlet "Protect Your Family from Lead in Your Home" (see http://www.epa.gov/sites/production/files/2014-02/documents/lead_in_your_home_brochure_land_b_w_508_easy_print_0.pdf). The client should sign a statement certifying that they received the pamphlet. A lead-based paint visual assessment training is available on line at <http://www.hud.gov/offices/lead/training/visualassessment/h00100.cfm>.
- **Smoke Detectors**--The HOPWA program must comply with the Fire Administration Authorization Act of 1992 (P.L. 102-522) (<http://fire.nist.gov/bfrlpubs/fire95/PDF/f95067.pdf>). All rental units are required to have a functioning smoke detector that must be provided by the landlord, local fire department, or leveraged source. Smoke detectors must be installed in accordance with NFPA 74, or more stringent local policies, as applicable. Existing units must contain a single or a multiple station smoke detector; there must be one located outside each sleeping area and on each level. It can be battery operated or hard wired; clearly audible or interconnected. Accommodations must be made for individuals with sensory impairments.

Prior to HOPWA funds being provided for a housing unit, project sponsors must certify that it meets these standards. The inspection can be performed by a Housing Coordinator without a requirement for specialized training, or an outside entity qualified to do inspections. The Housing Coordinator or other designee must make a home visit to determine the overall suitability of the rental property and certify that it meets the standards listed on the HOPWA HQS Habitability Standards form (Attachment 21). The TBRA unit must be re-inspected and re-certified at least annually when the client's income qualification is re-certified for HOPWA assistance, in addition to when the client moves to a new residence. **Note: Eligibility re-determination as it relates to Chapter 64D-4 is a separate activity from re-certifying for HOPWA assistance.**

Landlords or property managers are responsible for addressing all violations found at the initial inspection. In the event that the unit fails inspection, a written notification should be delivered to the client and landlord with a copy of the written inspection report. The notification informs the landlord that a re-inspection will be scheduled no later than thirty (30) days from the date of the notice and that all reported violations need to be corrected by that date. If after sixty (60) days the unit does not pass

inspection and the Housing Coordinator has attempted repeated communication with the landlord, the Housing Coordinator should assist the client in seeking more suitable housing elsewhere and the HOPWA subsidy payments should be stopped. A general rule is that no more than three (3) inspections [the move-in inspection and two re-inspections within thirty (30) days if necessary] need to be undertaken by the Housing Coordinator.

- **Client Request for Inspection:** A client may request an inspection at any time through their Housing Coordinator if they have a complaint about housing conditions. Clients should be instructed not to move out of a unit due to the landlord's failure to make repairs without first having consulted with the Housing Coordinator regarding local landlord-tenant laws. If conditions pose a safety risk to the household, the Housing Coordinator or their designee should perform an inspection within five (5) business days. In the event that a client is required to move due to the condition of the housing unit and the landlord (not the tenant) is responsible for necessary repairs to ensure habitability of the unit, guidance for this process should be sought from a local housing counseling agency or legal entity to ensure compliance with the law.
- **Grantee or Project Sponsor Request for Inspection:** At any time during the period of HOPWA TBRA assistance the grantee or project sponsor may conduct an inspection of the unit based on their own impressions or concerns and complaints from the landlord, neighbors, Housing Coordinator, parole officer, or other source with knowledge of the clients housing stability. Care should be taken by the agency to comply with local landlord-tenant laws regarding legal notification to client/tenant prior to entering the unit.

Occupancy Standards

HUD will only provide rental subsidies to households living in appropriately-sized units. The goal is to subsidize the smallest sized unit possible without creating overcrowding. The amount of TBRA a project sponsor pays the landlord on behalf of the applicant is based on the number of bedrooms for which the household is qualified and the actual number of bedrooms in the unit. HUD does permit other rooms in a unit to be used as sleeping areas, and project sponsors should follow the approved policy for sleeping areas used by their local public housing authority (PHA).

Local Public Housing Authorities (PHAs) establish their own HUD-approved subsidy standards, generally in accordance with the following criteria:

1. The unit size assigned should not require more than two persons to occupy the same bedroom, except that a very small child (less than 2 years of age) may share a one-bedroom unit with a single parent.
2. The unit size assigned should not require persons of opposite sex other than husband and wife to occupy the same bedroom with the exception of infants and very young children.
3. A two-bedroom unit may be used by a two member family that consists of a single parent and child or by a couple who, due to medical reasons, must have separate bedrooms, as verified by their physician and approved by the project sponsor. These principles result in the following standards:

NUMBER OF BEDROOMS		
Number of Bedrooms	Minimum Number of Persons in Household	Maximum Number of Persons in Household
0	1	1
1	1	2
2	2	4
3	3	6
4	6	8
5	8	10

Exceptions to Occupancy Standards

The criteria and standards prescribed for the determination of a household's unit should apply to the vast majority of clients and their families. In some cases, however, the relationship, age, sex, health, or handicap of the individual/family members warrant the assignment of a larger unit size than that which would result from strict application of the criteria. Any determinations that do not strictly apply to the criteria must be fully documented in the applicant's case file.

There are also occasional circumstances (for example, an area where the market rate rents are much lower than the FMR or HCVP payment standard) when a household might occupy a unit larger than specified by the subsidy standards, but in such instances, the rent for the larger unit must be at or below the payment standard of the appropriately-sized unit. If the larger unit rent amount were to increase above the smaller unit subsidy standard, the client would be required to move to a smaller unit within the allowable payment standard.

Renting From Family Members

Federal Regulation 24CFR 982.306 (d) prohibits public housing authorities (PHAs) from allowing clients to rent from family members; this includes a parent, child, grandparent, grandchild, sister, or brother of any member of the family, **unless** the PHA determines that approving the unit would provide reasonable accommodation (see <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>) for a family member who is a person with disabilities. This same regulation applies to the HOPWA program. If a client needs the care and support for their illness from a family member whose income may be low, but slightly above 80% AMI when including the client's income, an exception to this rule and a Reasonable Accommodation request may be made through the grantee and the local HUD Field Office. In this situation, the family's income is not counted in determining qualification for the TBRA subsidy payment and the client's rent payment portion is calculated based on the pro-rata share of the total bedrooms in the unit (see **Shared Leased Housing** below); however, a written rental agreement from the family must be obtained and maintained in the client file for documentation purposes.

NOTE: Project sponsors must not confuse renting from relatives with residing with relatives. Residing with any number or configuration of relatives is allowable, as long as the qualified total household income meets the HOPWA income guidelines of at or below 80% AMI.

Shared Leased Housing

HOPWA regulations allow for shared-lease housing, which can be an economical living arrangement for people. Unlike family or partner relationships, roommate scenarios consist of plutonic relationships established for the purpose of sharing rent and utility bills in return for receiving a share of the space available. Participation in shared housing arrangements is voluntary. ***Unmarried partners are treated the same as family members and are prohibited from identifying as roommates for the purpose of securing federal housing benefits.*** At the time of application and at any subsequent renewal the client must identify those living in their home as either family or roommate. Some project sponsors require the HOPWA applicants to sign a statement to this effect for maintenance in the client file. With respect to shared housing arrangements, the rent charged for the HOPWA assisted person shall be in relation to the size of the private space for that assisted person in comparison to other private space in the shared unit, excluding common space. The tenant rent calculation is done by taking the applicable Payment Standard, including utility allowance, for the unit size (total bedrooms) and dividing it by the number of units your client or family will be occupying. For example:

1. If a client has two (2) roommates and is residing in a three (3) bedroom rental unit, the rental portion paid by the HOPWA program would be one-third (1/3) of either the (a) actual total rent requested by the landlord, including utility allowance, or (b) the HOPWA program's rent standard for a three-bedroom apartment, whichever is less.
2. If one (1) or more persons in a roommate relationship are qualified for HOPWA assistance, each must apply separately based on individual income and prorated housing costs.
3. In the case where two (2) or more unrelated persons live together as roommates, the individual(s) not qualified for HOPWA assistance will not receive any compensation as a result of the HOPWA assistance awarded to the qualified person.

Additional TBRA Administrative Considerations

- **Housing Search Guidelines:** It is recommended that project sponsors create guidelines for TBRA clients regarding their housing search under HOPWA assistance. This would include setting a limit on search time (such as 60 days) prior to the assistance terminating; extensions can be made for particular circumstances such as hospitalization or illness, but the exceptions should be spelled out clearly in the policy. Additionally newly enrolled clients should be provided with vacancy resources and the local utility allowance chart, if applicable, with an understanding of how to calculate the utilities for a particular unit they might be interested in renting.
- **Landlord/Tenant Disputes:** Clients should be encouraged to resolve issues with their landlord or neighbor's independently, but in the event that a landlord informs the Housing Coordinator of concerns or complaints regarding the client's care and/or maintenance of the premises, the Housing Coordinator should conduct an investigation of the complaint with the client and other parties involved. If warranted, a housing case conference should be called with the client and other relevant parties working with the client to ensure their housing stability success. At that time, the Housing Coordinator should also determine if the client's ability to maintain their housing would benefit from more frequent home visits, a live-in aide, other home-based assistance, or even an alternative living environment.

- **Exit Inspections to Facilitate Return of Deposits:** Landlords are required to return any refundable portion of a deposit, or deliver a written notice to the tenant of intent and reason(s) to maintain any portion of the deposit within the time specified by the local landlord-tenant laws. The same applies to a project sponsor that made a deposit on behalf of the client. Deposits made with HOPWA funds should be returned directly to the project sponsor's HOPWA program, not to the client. This becomes program income that the grantee will track. Although not a requirement by HOPWA, it is suggested that if the HOPWA program paid the client's deposit at move-in, the Housing Coordinator should, when reasonable, perform an exit inspection as close to the move-out date as possible.

CPD Income Eligibility Calculator

HUD's Office of Community Planning and Development (CPD) launched the CPD Income Eligibility Calculator in 2012. The calculator is an interactive web-based tool for determining income qualification and assistance amounts for beneficiaries of CPD programs, including HOPWA. The calculator is designed for use by grantees and subrecipients of CPD programs. The tool asks a series of questions depending on the program, activities, and other factors. The user inputs data about each household and its members, and the calculator works to generate a summary of results for each beneficiary. For more information on and access to the calculator, visit <https://www.hudexchange.info/incomecalculator/>.

Case Management and Support Service Requirements

Clients participating in the TBRA Program receive the support of Housing Coordinators whose primary responsibilities are to perform initial program qualification verification, enroll clients into the program, conduct annual recertification for the program, provide assistance to clients in understanding and completing leases, and serves as a liaison between the client and landlord in lease negotiation or in case of disputes. The HOPWA Housing Coordinator also serves as a liaison between the client and Ryan White (or other social service) Case Manager to ensure that the client receives the necessary services to maintain independent living, and that the client remains engaged in case management, health care, and other support services.

Ongoing case management is an important component of TBRA. Project sponsors and their clients are required to document an assessment of need for assistance on a quarterly basis.

Within thirty (30) days of commencement of rental assistance, clients are required to register with a Ryan White (or other social service) Case Manager and maintain engagement in such services thereafter. TBRA clients and their Housing Coordinator shall maintain monthly contact and shall conduct home visits a **minimum** of every three (3) months. Upon commencement of assistance, the Housing Coordinator shall perform a housing stability assessment, and assist the client in developing a housing stability plan based on the assessment and the client's case management plan. The client, with the assistance of the Housing Coordinator, shall review and update his or her plan during the home visit. Housing Coordinators shall facilitate the continued habitability of the unit by monitoring the condition of the unit during home visits, and follow-up inspections where there are complaints of defects within a unit after the client moves in during the twelve-month period falling between annual inspections.

To ensure that qualified service providers in the area make available appropriate supportive services to the individuals assisted under the TBRA Program as required under federal HOPWA regulations, the State of Florida HOPWA TBRA Program looks to the provider network under the Ryan White CARE Act Part B for the provision of such services as, but not limited to, Ambulatory/Outpatient Medical Care (includes laboratory services), AIDS Pharmaceutical Assistance (Local), Oral Health Care, Health Insurance Premium/Cost Sharing, Home Health Care, Mental Health Services-Outpatient, Medical Nutrition Therapy, Medical Case Management (including treatment adherence), Substance Abuse Services-Outpatient, Case Management (Non-Medical), Emergency Financial Assistance, Food Bank/Home Delivered Meals, Linguistic Services, Medical Transportation Services, Psychosocial Support Services, Referral for Health Care/Supportive Services, Substance Abuse Services – Residential, and assistance in gaining access to local, State, and Federal government benefits. For any TBRA client who requires more intensive care than can be provided in independent, subsidized housing, the Housing Coordinator will coordinate efforts to identify and make referral to a care provider who can appropriately care for the client.

Allowable Types of Rental Housing for Clients Approved for TBRA

The State of Florida HOPWA TBRA Program provides ongoing monthly rental assistance for rental housing (including manufactured homes and manufactured home sites), apartments, single room occupancy (SRO or studio) units, shared housing, community residences, and the rent portion of some long-term residential treatment facilities **if** that facility utilizes a landlord/tenant lease agreement. Allowable rental housing may include affordable rental housing, as long as it is not project-based subsidized housing (e.g., public housing units in which the tenant pays a variable rent amount based on a percentage of the tenant's income, and in which the subsidy is tied to the unit rather than transferable with the tenant if the tenant leaves the unit).

The landlord/tenant lease agreement is an important component of TBRA. TBRA is delivered as a monthly rent subsidy (including a utility allowance when applicable) in situations where clients have secured housing in the community with a private landlord, and where the lease/agreement is in the client's name. The rental payments on behalf of the client should be made directly to the landlord. Payments made directly to clients are prohibited.

All housing units assisted with State of Florida HOPWA TBRA funds must meet local, state, and federal housing quality standards. Housing units must pass inspection prior to the issuance of any HOPWA assistance payments. Assistance payments may not begin until move-in authorization has been issued. Such authorization cannot be issued until: (1) a landlord participation agreement is on file, along with an IRS Form W-9; (2) the unit has passed inspection; and (3) a copy of the lease executed by the landlord and client is on file. An annual re-certification inspection also is required.

Chapter 13: HOPWA Case Management

Housing Plan of Care

There is a requirement in 24 CFR 574.500 to conduct an ongoing assessment of the housing assistance and supportive services required by clients in the program. This requirement can be satisfied by project sponsors/subcontractors developing individual housing service plans for all beneficiaries, which the Florida State HOPWA Program refers to as the **HOUSING PLAN OF CARE**. HOPWA housing information services referenced in 574.300(b)(1) or housing case management funds referenced in 574.300(b)(7) may be used to help the client understand available housing resources, and develop and follow their individual Housing Plan of Care with connections to other support. The plan should identify the household's on-going housing stability needs and likely options for providing related assistance, including the use of other housing programs and mainstream health and human welfare programs.

Previously known as HOPWA Case Managers, Housing Coordinators (as authorized by contract, and these policies and procedures) are responsible for making sure clients meet Florida State HOPWA Program qualifications and requirements, for assisting with the HOPWA application process, for documenting and verifying that all requirements for the program are met, for developing a Housing Plan of Care, and for maintaining accurate and updated files on HOPWA clients.

The Housing Coordinator will help the client develop their individualized Housing Plan of Care (Attachment 11), which is a written assessment with the primary goal of assisting the client to achieve independence from HOPWA and live within their financial means. The Housing Plan of Care is developed by the Housing Coordinator and the client together to determine the need for housing assistance, the type of housing assistance, and what will happen at the end of the HOPWA time-limited assistance being provided. The Housing Plan of Care should include SMART (**S**pecific, **M**easurable, **A**ttainable/**A**chievable, **R**elevant, and **T**ime bound) goals with target dates, should document progress towards achieving these goals and dates, and should document the accomplished goals and completion dates.

During the development of the Housing Plan of Care, alternatives to HOPWA services should be explored and include, but are not limited to, the following:

- Exploring housing options with family members.
- Exploring locations close to family members for increased family support.
- Seeking public housing or other public assistance housing programs.
- Relocating the client to a community that has affordable and available housing.

In addition, the Housing Plan of Care shall address the following financial aspects:

- Assisting the client to plan and budget their finances.
- Accessing additional income sources and social services.
- Time frames for completing various disability applications, participating in the telephone interview, gathering all medical records, and a contingency plan in the event the disability application is denied.
- Coaching session on how to go to the source of debt and establish a workable payment plan.
- Referral to credit counseling company.

The Housing Plan of Care should be simple and clear statements that include the goals of the client in securing stable and permanent housing independent of continued HOPWA assistance.

The Housing Plan of Care should be updated monthly! Each month the Housing Coordinator should review the client's need for continued housing and financial assistance. Documentation of efforts to secure permanent housing and help the client to achieve independence must be maintained in the client's file. Included in this documentation are pertinent dates and time frames relating to the plan.

In conjunction with all of the financial information and documentation gathered during the application and enrollment process, the financial status of the client is reviewed and modified as necessary, and documented in the plan. Transferring the client from one funding source (such as HOPWA) to another (such as General Revenue) is not a substitute for assisting the client towards financial independence and self-sufficiency. In assisting the client to plan his or her finances, the client and the Housing Coordinator should continue to review all items on the Client Budget Worksheet (Attachment 10), including the goals and the progress to achieving these goals. If there have been any financial changes, the client should provide appropriate documentation of all income and expenses. Although the regulations and guidelines do not specifically include criteria that would preclude assistance based on a client's assets, when determining the client's ability to pay for and maintain permanent, affordable housing beyond HOPWA assistance then assets should be considered.

In providing STRMU assistance, the project sponsor's/subcontractor's qualified staff should assess the client's housing needs and related resources, along with the reasons or causes of the housing need. Within 15 days of the start of short-term assistance, the recipient (with the help of the Housing Coordinator) will develop and commit to an individualized Housing Plan of Care. The primary goal of the Housing Plan of Care is to assist the recipient in maintaining independence from HOPWA at the end of the time-limited assistance. The plan should address budget and money management issues (e.g., if the cause for housing debt is related to the household's poor money management practices, such as the use of credit cards or cash for non-essential items, or entertainment activities). The assessment should help determine how to best use short-term or transitional support in connecting the on-going permanent housing arrangements, including forms of supportive housing or more independent living arrangements reasonably associated with the assessment of the client's needs. STRMU assistance must be provided in a manner that has a sufficient or clear beneficial effect on addressing the client's assessed immediate or short-term housing needs, and only be provided in connection with the client's demonstrated compliance with the plan. Plans should establish the on-going housing stability goals for clients in connection with their need to access medical treatment and supportive services associated with HIV/AIDS issues.

Allowable Activities and Payments

The purpose of short-term assistance is to address immediate housing needs and provide support that prevents or reduces the pressing risks of homelessness for recipients, and assists them in securing long-term, stable housing. HOPWA regulations require that individuals or households assisted with short-term assistance will be given the support necessary to work towards this goal. The project sponsors/subcontractors providing short-term assistance should conduct housing assessments and create Housing Plans of Care with the goal of promoting long-term housing stability.

The Florida State HOPWA Program's case management services focus on maintaining individuals in their own home; or if already homeless, assisting persons back to a more stable and permanent living

situation. The program funds case management services to provide this function as long as it is associated with accessing housing services through HOPWA.

HOPWA case management is a client-centered service that links qualified individuals with emergency, short-term, and long-term housing assistance with the Florida State HOPWA Program in conjunction with state HOPWA policies and procedures. The contracted project sponsors, either directly or through subcontracts, provide appropriate case management services to HOPWA clients.

At intake, the project sponsor/subcontractor should complete a comprehensive housing needs assessment with each applicant in order to determine whether the applicant is in need of emergency, short-term, or long-term rental assistance. This assessment and planning process should also include the development of a realistic housing stabilization plan (Housing Plan of Care) that addresses both short-term and long-term client housing needs.

The project sponsor/subcontractor should document that it conducts housing assessments with clients, creates Housing Plans of Care for them, and connects them to case management and support. Client case files and required reports (where applicable) should document these activities. The outcome goals of the Florida State HOPWA Program are to increase housing stability, and improve access to health care and other support through other public and private resources.

Case management services directly associated with housing services include time incurred by the Housing Coordinator in enrolling clients, providing assistance in finding housing for the client, and with required reporting associated with the program. Clients should receive assistance in gaining access to local, state, and federal government benefits and services; permanent housing placement; and housing information services, including counseling information and referral services. Other requirements include:

- Clients shall not be charged for HOPWA housing case management services.
- The case management services are provided under the DOH's agreements with the project sponsors (or under the project sponsors' contracts with subcontractors).

Other HOPWA Allowable Activities

STRMU support is limited to helping households on a temporary basis to maintain a current residence. TBRA support is intended to promote long-term, permanent, stable housing. Other forms of HOPWA support such as Supportive Services, Permanent Housing Placement (PHP) assistance, and the costs for on-going housing support through rental assistance programs, should be used to compliment the use of short-term and long-term assistance and promote housing stability.

Supportive Services

Grantees must assure that adequate supportive services are made available to all HOPWA households as stated in 24 CFR 574.500(b)(3). These supportive services do not have to be HOPWA-funded. Grantees have the discretion to fund these services directly or to ensure that HOPWA households are connected to non-HOPWA funded supportive services that are available in the community.

If a grantee elects to fund HOPWA Supportive Services, households receiving Florida State HOPWA Program housing assistance are qualified to receive such services, as provided by 24 CFR 574.310(a)(1).

Activities and costs related to delivering HOPWA Supportive Services are distinct from those related to delivering STRMU and TBRA assistance, and must be separately tracked and allocated as a HOPWA Supportive Services activity, not STRMU or TBRA. HOPWA Supportive Services include, but are not limited to, costs related to developing a Housing Plan of Care, assisting households in locating and obtaining housing, tenant/housing counseling, employment-related services and training, and assisting households to access other mainstream benefits. HOPWA Supportive Services should be specifically designed to maintain the households in housing, and may continue to be provided to qualified households that remain housed.

HUD, in partnership with the U.S. Department of Labor (DOL) developed Getting to Work: A Training Curriculum for HIV/AIDS Service Providers and Housing Providers. The online training curriculum provides an overview of the reasons why employment services for people living with HIV/AIDS are essential, describes successful approaches to incorporating employment into HIV/AIDS service provision, and highlights promising programs. More information on Getting to Work can be found here at <https://www.hudexchange.info/training-events/dol-hud-getting-to-work-curriculum-for-hiv-aids-providers/>.

Chapter 14: Provision of Assistance to Survivors and Termination of Assistance

Survivorship Rights: Termination Resulting from Client Death

HOPWA rental assistance terminates immediately upon the death of a client, unless survived by member(s) of the family who are listed on the housing application and lease agreement, and residing with the client in the assisted unit at the time of their death. HOPWA regulations 24 CFR Part 574.310(e) allow up to one year of rental assistance to such surviving family members as a grace period, which the Florida State HOPWA Program has adopted. This one-year grace period is measured from the date of death of the client. Assistance terminates upon the exhaustion of the grace period afforded surviving family members, unless the household becomes qualified for HOPWA housing assistance prior to expiration of the grace period. Surviving family members may not accept payment of refunded amounts of any deposits paid by HOPWA, instead, instruct the landlord to pay such amounts directly to the project sponsor agency. Project sponsors are required to provide housing resource lists and service referrals to the surviving members in order to ease their transition.

Surviving Family Member with HIV/AIDS Diagnosis

In the event that surviving family members include a person with an HIV/AIDS diagnosis who can prove residency in the unit prior to the death of the client and who was identified during the HOPWA certification (or re-certification) process, such person will be deemed the qualified person of the household and, therefore, client of the program, permitting HOPWA assistance to continue as long as qualifications are maintained for the client and their household members. Such households must be re-certified within thirty (30) days of the death in the family.

Grounds for Termination

Housing assistance to clients of the Florida State HOPWA Program may be terminated if the client violates program requirements or conditions of occupancy. The federal regulations that govern the HOPWA program recognize the importance of keeping persons with HIV/AIDS housed, and emphasize that clients should be terminated only for serious or persistent violations after intermediate steps have been exhausted.

HOPWA project sponsors should terminate a participant's assistance only in **'the most severe cases'** as the regulation states. It should be every project sponsor's policy to diligently respond to concerns and complaints voiced by clients, landlords, Housing Coordinators, and other interested parties about the administration of the HOPWA program or policy issues regarding the program. Termination policies should detail the actions that could result in termination, depending on the severity. These may include, but are not limited to:

- **Non-compliance with housing conditions of lease or landlord-tenant laws.**
 - Abandonment of assisted unit, defined as a failure to reside on the assisted premises for a period exceeding thirty (30) days, except in authorized cases where the client is hospitalized or placed into residential substance abuse or mental health treatment.
 - Commission by client, any member of the household, guests or any person under the client's control of any acts that threaten the health, safety or right to peaceful enjoyment of the premises by other residents.
 - Excessive damage, beyond normal wear and tear, caused to the HOPWA-funded unit by the client, a client's guest, or a member of his or her household. Extreme or excessive damage is characterized by deliberate destruction of property including vandalism, arson, and breaking or soiling fixtures, floors, walls, windows, doors, or appliances.
 - Moving into a new apartment unit without program authorization.
- **Program violations.**
 - Commission of fraud, bribery or any other corrupt or criminal acts in connection with any federal housing program. Such acts include failure by false statement, misrepresentation, impersonation, or other fraudulent means to disclose a material fact used in making a determination as to the client's qualification to receive services.
 - Threatening or abusive behavior toward agency personnel, neighbor(s) or the landlord. Threats of violence may be verbal or non-verbal and can occur explicitly or implicitly. When the behavior constitutes a legitimate threat of violence to themselves or others, immediate termination is warranted.
 - Not meeting the income qualification when total household income is over 80% AMI, or withholding income or verification.
 - Failure to notify the Housing Coordinator of a change in income within fifteen (15) days of the event.
 - Failure to notify the Housing Coordinator of any changes in circumstances in order to obtain or continue to receive benefits within fifteen (15) days of the event.
 - Failure to cooperate in submitting required documentation/information within fifteen (15) days of program's request.
 - Failure to cooperate with Housing Plan of Care reassessments.
 - Failure to locate suitable housing within required time or failure to actively apply for and/or accept long-term stable housing assistance from other sources (i.e. Section 8).

- Failure to attend project sponsor appointments, except in the case of illness or other extenuating circumstances.
- Repeated failure to make timely payment of the client's required portion of the rent.

Violation, Grievance, and Termination Policies

NOTE: The Florida State HOPWA Program also follows the DOH, HIV/AIDS Section's *Client Complaint, Grievance, and Appeal Procedures (Appendix #)*, which should be used in conjunction with the below policies.

HOPWA regulations 24 CFR 574.310(e), outline the minimum requirements for the contents of a participant grievance and termination policy for all grantees and project sponsors. This includes policies for handling surviving family members in the event of the death of a HOPWA-qualified person. Well written termination and grievance procedures protect the rights to due process of law for the recipients of all HOPWA services. The key point is ensuring the right to 'due process.' Any person should be free to raise concerns or complaints and do so without fear of retribution. Persons lodging complaints are entitled to the complaint being handled in an expedient, confidential, sensitive and non-judgmental manner. It is important that grievance policies be in place for all project sponsors that clearly provides information on the manner in which grievances may be filed and how they will be reviewed and acted upon (as in chain of decision making power). Whenever possible, verbal complaints should be resolved in the least formal manner using a variety of approaches, including in writing, meetings and/or telephone conversations. Project sponsors must also document in the client's case file the supportive services that were offered and provided to the client, as well as efforts to avoid or prevent terminations. Clients should receive a copy of the grievance and termination policy at the time of program enrollment, and a signed copy should be placed in their file for verification that they were well informed of the policy.

Grievance Process

The grievance process applies to any decision by the HOPWA program, which may adversely affect the client's qualification for assistance, including denial of re-certification, or program termination. Grievances must regard decisions, which affect a client's qualification, amount, or length of time of assistance, and/or termination of assistance for program violations. Grievances must be in writing and must be directed to the program supervisor. HOPWA regulations require that the client be provided with access to a formal process that recognizes the client's right to appeal and the client's right to due process of law. Federal regulations further specify that this process, at a minimum, must consist of:

- Serving the client with a written notice containing a clear statement of the reasons for the determination.
- Allowing the client to examine the case file, and all accompanying documentation and evidence upon request.
- Permitting the client to have a review of the decision, with the opportunity to present written objections before a person, other than the person (or a subordinate of that person) who made or approved the termination decision.
- Providing prompt written notification of the final decision to the client.

Evidence Examination

Based on the policy established, the grievance is examined. If it is determined to have merit and no decision can be made based on the documentation alone, the program should schedule a meeting date

and time to hear the grievance directly from the client. The grievance examination meeting should be scheduled no later than fifteen (15) days after the determination of merit.

In the event that the client has been served with eviction papers, the program will make reasonable attempts to accommodate the client at the earliest possible date. Written notification of the time and place of meeting, accompanied by a copy of the grievance, should be sent to the client's primary case manager if outside the project sponsor agency, and a copy sent by certified mail to the complainant and the complainant's representative, if any identified.

Meeting and Due Process

Grievance meetings should be conducted in an orderly fashion, based on the policies established. Failure to comply with the directives of the policy, by any participant in the meeting, may result in an exclusion from the meeting. The outcome of the meeting should not affect any rights the client may have to a trial or other review in any judicial proceedings, which may be brought in the matter.

Clients have the right to withdraw their complaint at any time. The withdrawal should be presented in writing to the project sponsor. The client must be notified in writing, via return receipt US Mail, of the date that the withdrawal was received by the agency. A copy of the withdrawal will be kept in the client's file. The parties may at any time, before, during or after the grievance meeting, enter into a written stipulation, which resolves the issues being grieved.

The client should always be afforded due process, with a fair and impartial examination of the information, which provides the basic safeguards of due process. Satisfactory due process procedures would include:

- The opportunity to examine, before the meeting all of the documents, records, and HOPWA program rules relevant to the grievance.
- The right to present evidence and arguments in support of the grievance.
- The right to dispute evidence presented in support of the determination of qualification, assistance, or termination under appeal.
- The right to reasonable accommodations for persons with disabilities to participate in the hearing.
- The right to language translation, if necessary.
- The right to request the support of an independent advocate who may be a friend, family member, or other supporter, to assist the client in the grievance process and attend the meeting with the client.
- The right to a decision within ten (10) business days based only on the evidence presented at the grievance meeting, unless additional information is requested by the panel (such requests shall be made in writing and copied to all parties unless such request is made during the grievance meeting).
- Written notification to the client of the final decision by the decision makers defined in the grievance policy should be sent certified mail, return receipt requested within ten (10) business days. A copy of the decision should be maintained in the client's case file. The written communication should clearly include the reasons for the decision cited.
- Should the client fail to appear for the scheduled grievance meeting they will be in automatic default, leaving the challenged program termination or action to stand.

- Any special accommodations required by the client, including translators, should be designated on the grievance form or submitted in writing and received by the program no less than three (3) business days prior to the meeting.

NOTE: During the period of time in which the client is involved in an appeal of the termination decision, his/her assistance shall not be terminated. The client's HOPWA housing assistance payments may be stopped only after the entire HOPWA grievance process has been concluded, and the decision to terminate assistance is upheld and communicated to the client in writing. Due process rights further require that clients have access to a timely, impartial grievance process. Clients may request that a grievance hearing be convened. Refer to the *Client Complaint, Grievance, and Appeal Procedures* document in Attachment 17.

Documenting Violations

Any program violation should be documented in the client's case notes in detail, including efforts to resolve the matter with the client. Documentation of efforts will include records of verbal interactions with client about the violation, documentation of diligent search for the client, copies of written warnings, including the warning of the possibility of termination, and other material as may be relevant. Documentation in the client's file of the client's efforts to make corrective action, or lack thereof should also be included.

Independent evidence and/or documentation that should be obtained for the file regarding violations may include but is not limited to:

- Copies of landlord-tenant notices to comply with Lease/Rental Agreement and Housing Rules.
- Police reports indicating behavior by any household member, guest or anyone within the client's control, which threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- Police reports, arrests or convictions for drug-related criminal activity of any household member, guest or anyone within the client's control.
- Documentation of a failed diligent search for a client who has abandoned a HOPWA-assisted unit.
- Witnesses, including but not limited to the landlord, who are willing to attest to the behavior of the client, any household member, guest or anyone within the client's control or facts evidencing fraud on the part of the client.

NOTE: The landlord's word alone may not constitute sufficient evidence of a program violation (except in the case of apartment abandonment or unauthorized moves). When using a witness such as the landlord to terminate assistance, the provider should include additional witnesses and documentation.

Termination Notices

Remember, HOPWA project sponsors should terminate a participant's assistance only **in the most severe cases**; however, if all efforts at correcting program violations have been exhausted, all termination notices must be provided to the client in writing and contain the following elements:

1. The notice should inform the client that their assistance under the HOPWA program is being terminated, the effective date of termination and a statement that the HOPWA program will provide only one more month of rental assistance [or one (1) more mortgage or utility payment in

the case of emergency assistance], if applicable, from the effective date of termination if the client remains in his/her currently assisted rental unit. If the client no longer resides in the currently assisted rental unit (e.g., the client has abandoned the unit, moved without authorization or has been evicted concurrent to the Florida State HOPWA Program termination), the HOPWA program will provide no additional rental assistance at the client's new residence.

2. The notice should specify that a grievance may be initiated with the project sponsor within ten (10) business days of the date of the termination notice.
3. The notice should provide a detailed explanation of the reason for termination. The explanation must include the reason for termination (i.e., the incident(s) that led to the decision to terminate, the time and date of the incident(s), and the type of supporting evidence the landlord or provider has with regard to the incident(s) (witnesses, case file documentation, police/incident report, etc.).
4. The notice should include a copy of the grievance policy.
5. The notice should instruct the client how to request a hearing in order to initiate the process.
6. The notice should clearly state the deadline for submitting a grievance.
7. The notice should state that the client has a right to be represented by an attorney or advocate during the entire grievance process.
8. The notice should state that the client has the right to review his/her file at the project sponsor, as well as any documentation supporting the project sponsor's decision to terminate the client's HOPWA assistance.
9. The notice should explain that in the event that the client appeals the termination decision and the grievance process is not completed within the remaining one (1) month of assistance, HOPWA assistance will continue until the grievance process is completed.
10. The notice should be faxed to the client's HIV case manager, and sent by first class and certified mail to the client, return receipt requested.

Qualification for Further HOPWA Program Assistance

The Florida State HOPWA Program allows for reinstating clients previously terminated from HOPWA. Wherever possible, care should be taken by agencies to ensure that clients evicted from housing do not lose their linkage(s) to medical care. The Florida State HOPWA Program policy for re-instatement is one year for serious violations; however, clients terminated for documented fraud, a lifetime registration for sex offenses, or convictions of manufacturing or producing methamphetamine on the premises of federally assisted housing are prohibited for life to federally subsidized housing assistance.

Following the one-year exclusionary period, reconsideration for admission to HOPWA services should include the following elements:

- A reassessment of the client's living situation.
- A written statement from the client explaining the situation that gave rise to the previous termination from the program, the steps that the client has taken since termination to address any individual behaviors giving rise to the termination, and the client's current plan to secure and maintain stable housing.
- If the client has an HIV case manager in the community, the case manager should work with the client to develop a new care and housing plan form that outlines how the client will be assisted in securing and maintaining stable housing. The plan should include specific information regarding the frequency of client contact with the HIV case manager, volunteers, or other care providers in the community who will assist the client in their new housing. The plan should also clearly outline

the specific duties of the client, HIV case manager, and volunteers or other care providers who will assist the client.

Eviction by the Landlord and Landlord-Tenant Law

Termination from HOPWA services is separate and distinct from eviction from housing by a landlord. A landlord may have reasons for evicting a client, justifiable or otherwise, which differ substantially from termination of HOPWA assistance due to breach of other program requirements. In the administration of HOPWA services, it is important that termination and eviction be carefully differentiated.

If an eviction by a landlord might result in a client's loss of occupancy rights, then landlord-tenant law would come into play. Landlord-tenant law is a matter of state and local laws that would apply to recipients of HOPWA tenant-based rental assistance (TBRA); however, the application of these laws to supportive housing and especially to community residences or congregate housing can vary greatly from state to state depending on local statutes and their application in court. The HOPWA regulations describe a framework of due process that must be met, regardless of local laws and HOPWA project sponsors should consult fair housing counseling agencies or legal counsel as to how prevailing landlord-tenant laws might affect their program.

A client may be evicted by the landlord, in accordance with state and local landlord-tenant laws governing evictions, for violating a provision of the lease agreement. However, HOPWA support services should not necessarily be terminated unless HOPWA program rules are violated and no resolution with the client can be reached. It would be hoped that the landlord or client would contact the case manager or Housing Coordinator well in advance of a situation reaching the eviction stage in order to support the client, where possible, in resolving the issue. If a landlord chooses to initiate eviction proceedings, in spite of case management intervention, the client should be referred to legal services, and it may be necessary to make arrangements for the client to move and continue the assistance elsewhere.

HOPWA regulations describe a framework of due process that must be met regardless of local laws. HOPWA providers should consult legal counsel as to how prevailing landlord-tenant laws might affect their program.

Landlords and tenants both have certain rights and duties when an oral or written rental agreement has been established; however, in many cases neither party is aware of what those rights and duties are. Chapter 83, Part II of the Florida Statutes outlines procedures directing both landlords and tenants toward civil action. A summary of Florida's Landlord/Tenant Law can be found at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Consumer-Resources/Consumer-Protection/Landlord-Tenant-Law-in-Florida>. This information is **not** intended for providing legal advice. For additional information not addressed within this website link, always refer to Chapter 83, Part II of the Florida Statutes.

Documentation of Program Violation and Client Response

The program violation shall be documented in the client's case notes in detail. Independent documentation where applicable should also be secured (i.e., documentation by landlord that the client has not been paying his/her required portion of the rent).

All efforts to resolve the matter with the client also shall be documented in the client's case file.

Documentation of efforts shall include records of verbal interactions with the client about the violation,

copies of written warnings (including the warning of the possibility of termination), and other material as may be relevant.

The client's efforts to make corrective action (or lack thereof) shall be documented in the client's case file.

Termination of Assistance

Upon client's failure to take corrective action: Once efforts made to secure the client's program compliance have been exhausted and fully documented, the HOPWA project sponsor shall initiate termination by completing the sample Florida State HOPWA Program Termination Letter and Termination Checklist (Attachments 22 and 23). Upon making a determination to terminate, the Termination Letter (Attachment 22) shall be sent directly to the client with a copy to the HOPWA client file.

Termination from HOPWA Does Not Mean Relinquishing Rental Unit

Because the decision to terminate HOPWA housing assistance is a consequence of a client's violation of HOPWA program rules, a client may remain in the rental unit after the termination of HOPWA assistance consistent with the lease as long as he/she is able to pay the rent and is complying with the other terms of the lease.

Fraudulent Information

Providing false information to the government when applying for "federal public benefit programs" is unlawful; for more information see Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801-3812. Grantees are encouraged to contact their legal counsel and local HUD Field Office for guidance in addressing potential fraud by a HOPWA assisted household. It is recommended that project sponsors maintain a fraud policy for their HOPWA program. In some cases, termination may be necessary. The HOPWA regulations provide guidance on terminating assistance at 24 CFR 574.310 (e)(2).

Chapter 15: HOPWA Federal and State Reporting Requirements

The data provided in the required reports are used to satisfy federal and state reporting requirements as well as for management analysis, planning, and resource allocation. It is imperative that data is accurate and provided within the specified timeframes.

Reporting Overview

All Florida State HOPWA Program contracted providers and county health departments (CHDs) are required to adhere to reporting requirements as defined by the federal and state governments, and any subsequent changes to these requirements enacted during the program year. Project sponsors must establish adequate data collection systems to accurately meet federal and state reporting requirements in a timely manner. Project sponsors are required to adhere to the Florida State HOPWA Program's *HOPWA*

Reporting Requirements for Programs Funded by the U.S. Department of Housing and Urban Development and any subsequent revisions thereafter (Attachment 24).

Monthly invoices for HOPWA contracts are not to be processed for payment unless all reporting requirements have been met for the month.

In order to assist contractors and CHDs in meeting their reporting requirements, the DOH, HIV/AIDS Section, has developed AIMS 2.0 (AIDS Information Management System). AIMS 2.0 is a web-based, aggregate level reporting system that allows primary contractors and CHDs to electronically report to the HIV/AIDS Section. Questions or concerns about AIMS 2.0 reporting should be directed to a member of the Reporting Unit staff. AIMS 2.0 access and training can be arranged by contacting a member of the Reporting Unit staff.

Report Submission

HOPWA project sponsors are required to submit the following reports. These reports are used for federal and state reporting, and program planning. It is extremely important that these reports be accurate and submitted on time. More details about these reports follow the table below.

NOTE: Additional AIMS 2.0 reporting requirements may be added as development of the information system continues. Questions or concerns about AIMS 2.0 reporting as well as requests for training and technical assistance should be directed to a member of the Reporting Unit staff.

Report Name	Due Date*	Responsible Party
HOPWA Monthly Expenditure and Reimbursement Report (AIMS 2.0)	Within 20 days of the end of each month, but no later than submission of the monthly invoice	Contract Manager and Project Sponsor
HOPWA Monthly Demographic Report/First Time This Year (FTTY) Report (AIMS 2.0)	Within 20 days of the end of each month, but no later than submission of the monthly invoice	Project Sponsor
HOPWA Case Management File Review Summary Report	Within 20 days of the end of each month, but no later than submission of the monthly invoice	Project Sponsor
HOPWA Quarterly Financial Report (QFR)	Within 20 days of the end of the quarter, but no later than submission of the monthly invoice	Project Sponsor
HOPWA Performance Chart	Within 20 days of the end of the contract year, but no later than	Project Sponsor

	submission of the June invoice	
Planned Leveraged Non-HOPWA Funds	Within 20 days of the end of the contract year, but no later than submission of the June invoice	Project Sponsor
HOPWA Annual Progress Report (APR)	Within 45 days following the end of each contract year, but no later than submission of the June invoice	Project Sponsor
HOPWA Client Satisfaction Survey Summary Report	By February 20, each year of this contract	Project Sponsor

*** In the event that a reporting due date falls on a weekend or holiday, the report will be due on the following business day.**

HOPWA Monthly Expenditure and Reimbursement Report (AIMS 2.0 submission)

Project sponsors are required to submit a HOPWA Monthly Expenditure and Reimbursement Report through the AIDS Information Management System 2.0 (AIMS 2.0). The expenditure report captures the number of clients served, the number of units of service provided, and the amount of expenditure by service categories during the month being reported through the State HOPWA Program. In order to maintain common reporting data elements across programs, the DOH may update the report format. The reports must be submitted in AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice. For example, the report for services provided during the period of July 1 to July 31 is due on or before August 20.

The AIMS format is the only format that may be submitted as an invoice to contract managers for approval and to the DOH Disbursements Section for payment. An example of an AIMS generated report is provided for information only in Exhibit C in the Florida State HOPWA Program’s reporting requirements document. AIMS produced invoices are to be used as the monthly invoice submitted through My Florida Market Place (MFMP) for reimbursement. AIMS produced invoices MUST contain the advance/reductions information called for in Section C of the invoice, if applicable. Project sponsors that receive notification that a request for reimbursement has been paid for any amount other than that was originally requested on the AIMS invoice MUST immediately notify their contract manager. AIMS users, as appointed by their employers, are responsible for working with the Reporting Unit to bring the AIMS and MFMP records into agreement. ***(Note: CHDs serving as HOPWA project sponsors do not have to submit invoices for payment to MFMP.)***

HOPWA Monthly Demographic Report/First Time This Year (FTTY) Report (AIMS 2.0 submission)

Project sponsors are required to submit the HOPWA Monthly Demographic Report/First Time This Year (FTTY) Report in AIMS 2.0, which captures demographic information for clients served with HOPWA funds for first time this year (or FTTY), to meet federal reporting requirements. The client should only be

counted once per fiscal year. Enter the total unduplicated clients served in the month being reported by gender and HIV status. For example, once you report a client in July, he or she will not be counted again until the new contract year, which begins the following July. In order to maintain common reporting data elements across programs, the DOH may update the report format. The report must be submitted through AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice. An example of AIMS output of the HOPWA Monthly Demographic Report is provided for information only in Exhibit D in the Florida State HOPWA Program's reporting requirements document.

Demographic Categories

Enter the total number of *unduplicated clients* served in the month being reported by gender and HIV status for "Total," "Ethnicity," and "Race." Bear in mind that HIV (-) or affected persons are eligible for an extremely few number of services in special situations, so the vast majority of persons served should be HIV (+). HIV (-) affected persons who receive services must have a documented tie to a specific HIV (+) client currently receiving services. Clients self-disclose their gender.

HIV/AIDS Status

- AIDS means the client has advanced to and been diagnosed with CDC defined AIDS.*
- HIV (+), not AIDS, means the client has tested positive for and been diagnosed with HIV, but has not advanced to AIDS.
- HIV (-) means a client who is not HIV (+). Refer to policy on provision of services to persons who are not HIV (+).

*1993 Revised Classification System for HIV Infection, and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults [MMWR: December 18, 1992/41(RR-17)].

Total, Unduplicated Clients "FTTY" (First Time This Year)

A client is ONLY counted the first time they present for services in a contract year. That client is not counted again for any additional visits in a contract year. For example, 60 clients present for HOPWA services in the month of July. All 60 will be counted as *unduplicated clients* in the July demographic report. In August, 70 clients present for HOPWA services in which 60 of those clients are the same clients from July; therefore, they will not be counted again during the contract year. The 10 remaining clients have not been seen before during the contract year, so the August demographic report will show 10 *unduplicated clients*. The count will reset at the start of the next contract year; as a result, all 70 clients from August would be considered FTTY clients the first time they present for services in the following contract period.

WICY

The WICY report is not relevant to HOPWA; therefore, HOPWA AIMS users should ignore this section.

Ethnicity

- *Hispanic*, or Latino(a), is a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- *Non-Hispanic* is a self-populating field, and does not require data entry.

Race

- *White* (non-Hispanic) is a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- *Black*, or African American (non-Hispanic), is a person having origins in any of the black racial groups of Africa.
- *Asian* is a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- *Other* is a self-populating field, and does not require data entry.

HOPWA Case Management File Review Summary Report

Project sponsors are required to conduct monthly case management file reviews, and submit a written report of the results to their DOH contract manager within 20 days of the end of each month, but no later than submission of the monthly invoice. The review will include a minimum of 5% of the HOPWA case management files. The summary format can be developed at the local level; however, Exhibit B in the Florida State HOPWA Program's reporting requirements document provides the minimum requirements to be included in the file review. It is advisable that contract managers maintain a final copy on file for monitoring by state and/or federal agencies.

Quarterly Financial Report (QFR)

Project sponsors are required to submit a Quarterly Financial Report (QFR) for each of the first three quarters of the contract to the contract manager within 20 days of the end of each month, but no later than submission of the monthly invoice. This report must state by line item all allowable expenditures made as a direct result of the HOPWA services provided through the funding of the contract. Each report must be accompanied by a statement signed by an individual with legal authority to bind the project sponsor certifying that these expenditures are true, accurate, and directly related to the contract.

A template for the QFR has been provided as guidance, and the Excel form is available on the Community Programs website (<http://www.floridahealth.gov/diseases-and-conditions/aids/patient-care/community-programs.html>).

HOPWA Performance Chart

Project sponsors are required to submit the HOPWA Performance Chart in Attachment 25 to the contract manager within 20 days of the end of the contract year, but no later than submission of the June invoice. This chart includes the "Planned Goal" (which must be completed before the contract is executed) and the "Actual" for all activities to be performed during the contract period (planned/actual non-duplicated number of households to be/were assisted with HOPWA funds and with non-HOPWA funds). Output performance is measured by the number of households that were supported with HOPWA or other federal, state, local, or private funds for the purpose of providing housing assistance to persons living with HIV/AIDS and their families.

Planned Leveraged Non-HOPWA Funds

Project sponsors are required to submit the Planned Leveraged Non-HOPWA Funds table in Attachment 26 to the contract manager within 20 days of the end of the contract year, but no later than submission of the June invoice. This table is used to list other federal, state, local, and private funds planned to be used ("Planned Amount" column must be completed before the contract is executed) and actually used ("Actual Amount" column must be completed and forwarded to the contract manager for submission to DOH for receipt by July 30 for the previous contract year) in conjunction with HOPWA funds.

The state must illustrate plans to obtain and use other public and private resources to address the critical housing needs of persons living with HIV/AIDS. Therefore, the information requested for this form must be provided in order for the state to continue to receive a HOPWA grant award from HUD.

On the chart provided, list the planned (estimated) dollar amount for each non-HOPWA public and private funding source to be used for the purpose of providing HOPWA housing activities to persons living with HIV/AIDS. [NOTE: HOPWA housing activities include any eligible activity listed in 574.300, including paragraphs (1) through (10). Paragraph (7) of this section details all qualifying supportive services.]

Other resources (non-HOPWA leveraged resources) to be used in conjunction with HOPWA funds refers to cash resources separate from the HOPWA contract award; and may include cash and in-kind contributions, such as the value of services or materials provided by volunteers, or by other individuals or organizations. The organizations may include, but are not limited to: Housing Choice Vouchers (Section 8), Public Housing Authority units, Supportive Housing for Persons with Disabilities/Elderly, Ryan White HIV/AIDS Treatment Modernization Act programs, and other federal programs, state funds, local government funds, and private philanthropy.

NOTE: Match is not required. However, DOH must report to HUD plans and progress in obtaining "other" public and private resources to address housing needs identified in the state plan.

HOPWA Annual Progress Report (APR)

This report is a U.S. Department of Housing and Urban Development (HUD) requirement. Information collected and reported in the HOPWA Annual Progress Report (APR) should represent the activities that were carried out with HOPWA funds during the reporting year. It captures information on all persons who received housing assistance, including the number of adults and children with HIV/AIDS and their families (i.e., the client and other persons in the household). APR data should be for the reporting year of July 1 – June 30. The two hyperlinks listed below are HUD's approved format.

- [HOPWA Annual Progress Report \(APR\): **Annotated** Form HUD-40110-C \(DOCX\)](#)
- [HOPWA Annual Progress Report \(APR\): Form HUD-40110-C \(DOCX\)](#)

The APR is due to the HIV/AIDS Section, Reporting Unit, within 45 days following the end of each contract year, but no later than submission of the June invoice. The Consolidated Annual Progress Report (CAPER) for HOPWA is submitted by DOH to HUD no later than ninety (90) days after the end of the state fiscal year.

HOPWA formula and competitive grantees are required to submit an annual performance report, which includes performance information for all activities undertaken during each program year. In addition,

grantees must submit this performance information via the Integrated Disbursement Information System (IDIS) and demonstrate coordination with other Consolidated Plan resources.

The annual performance report provides data on client outputs and outcomes that enables an assessment of grantee performance in achieving the housing stability outcome measure. The annual performance report, in conjunction with IDIS, fulfills statutory and regulatory program reporting requirements and provides the grantee and HUD with the necessary information to assess the overall program performance and accomplishments against planned goals and objectives. HUD uses the annual performance report and IDIS to obtain and manage essential information on grant activities, project sponsors, housing sites, housing units, qualified persons, and beneficiaries (which includes racial and ethnic data on all household members). Information for grantees about HOPWA performance management can be found at <https://www.hudexchange.info/hopwa/hopwa-performance-management-and-monitoring>; and IDIS guides, tools, and webinars can be found at <https://www.hudexchange.info/idis/guides/hopwa>.

NOTE: The following information, while specifically referencing STRMU assistance, also applies to TBRA activities.

Performance Goals

At the beginning of each operating year, grantees must estimate two output goals: (i) the number of households expected to be served with State HOPWA assistance and (ii) the dollar amount of State HOPWA assistance by type of assistance provided, including personnel costs to deliver State HOPWA assistance. These output goals should be consistent with goals established in the Consolidated Plan and Annual Action Plan for formula grantees and with targets established in the approved applications and/or grant agreements with HUD for competitive grantees.

The Consolidated Plan regulations, at 24 CFR 91.220(l)(3), provide that HOPWA EMSA grantees must establish one-year goals for the number of households to be provided housing subsidy assistance through the use of STRMU activities. A similar provision applies to HOPWA state grantees under 24 CFR 91.320(k)(4). Grantees are responsible for carrying out planned activities consistent with the HUD-approved grant agreement for their award. Pursuant to section 24 CFR 91.520, grantees are required to provide a report on the comparison of actual to planned outcomes. Annual output goals are established in grant agreements to demonstrate the expected use of State HOPWA funds. At the end of each operating year, the grantee will report to HUD on the total number of individual households that benefited from

State HOPWA assistance by remaining stable or temporarily housed in their own dwelling. Note that this measure is not the number of individual payments of rent, mortgage, or utility assistance, as more than one payment of assistance may be made on behalf of an assisted household during that operating year, based on assessed need and consistent with the qualified STRMU period.

Output and Outcome Performance Measures

HUD has established required program output and outcome measures to determine how State HOPWA assistance helps households maintain stable housing, reduce the risks of homelessness, and improve access to healthcare, employment, and other support. These output and outcome measures enable grantees and HUD to assess the effectiveness of activities in addressing the housing needs of assisted households and to increase housing stability for those households over time. State HOPWA project sponsors should not rely solely on this short-term assistance to assist households in achieving housing

stability. STRMU assistance is intended to resolve housing crises and to help assisted households become self-sufficient. Efforts must involve on-going assessment of employability, life skills, and housing needs. This effort can be evidenced by the development and use of a Housing Plan of Care for assisted households, with a focus on how the household will access job training, benefits counseling, vocational rehabilitation, employment and/or on-going permanent housing assistance.

The outcome measures identify households that have been assisted with State HOPWA funds. The outcome goal of the State HOPWA Program is to reduce the risks of homelessness and improve access to employment, health care, and other support through public and private resources. At the end of each operating year, HOPWA grantees are asked to consider the effects of their efforts and report household outcomes to HUD. These outcome assessments help the community, as well as HUD, in assessing past performance and directing future efforts to increase the percentage of assisted households in stable housing situations. Additionally, HOPWA grantees can utilize the information to consider alternatives or program enhancements if activities do not result in adequate and appropriate benefits for qualified households.

The output and outcome measures for STRMU assistance as established in the HOPWA annual reports and IDIS include the following four data elements:

Output #1--Housing Outputs on Number of Households Assisted

Grantees must report the estimated (goal) number of households to be supported with STRMU assistance funds and the actual number of households served by STRMU assistance during the operating year. Note that the report counts each household that received assistance during the program year only once regardless of the number of months of assistance the household received.

Output #2--STRMU Outputs Summary

Grantees must provide a summary of STRMU assistance provided during the operating year by the type of assistance. The goal of this summary is to help the grantee, STRMU project sponsors, and HUD to understand the range of services required to prevent homelessness. The summary includes the actual number of households served and expenditures for any combination of rent, mortgage, and/or utility assistance along with program delivery costs (personnel costs). Grantees and STRMU project sponsors should use this information to help examine program trends and ensure that a full continuum of services such as foreclosure mitigation services, employment training, and budget counseling are in place to promote long-term housing stability.

Output #3--Client Outcomes on Housing Stability and Reduced Risks of Homelessness

Grantees must provide current year outcomes on the housing status of STRMU assisted households. Housing status outcomes are defined by the following three categories: Stable Housing; Temporarily Stable, with Reduced Risks of Homelessness; and Unstable Arrangements. Annual outcome data can be compared with a baseline of the number of STRMU-assisted households from previous operating years.

Housing Status Outcome: Stable Housing

Stable Housing is the sum of the number of households that accessed assistance for some portion of the 21-week qualified STRMU period and there is reasonable expectation that additional support is not needed in order to maintain permanent housing living situation (as this is a time-limited form of housing support).

Stable Housing outcomes are reported as one of the following housing status categories:

- Maintain Private Housing without subsidy;
- Other Private Housing without subsidy;
- Other HOPWA Housing Subsidy Assistance;
- Other Housing Subsidy (PH); or
- Institution.

Housing Status Outcome: Temporarily Stable, with Reduced Risk of Homelessness

Temporarily Stable, with Reduced Risk of Homelessness, is the sum of the number of households that accessed assistance for some portion of the 21-week qualified STRMU period and there is a reasonable expectation that additional support will be needed to maintain housing arrangements in the following year. These households may need additional STRMU assistance at some future time or may have left their current housing arrangement for a transitional facility or other temporary/non-permanent housing arrangement.

Temporarily Stable outcomes are reported as one the following housing status categories:

- Likely that additional STRMU is needed to maintain current housing arrangements;
- Outplacement to Transitional Facilities/Short-Term; or
- Outplacement to Temporary/Non-Permanent Housing arrangement.

Housing Status Outcome: Unstable Arrangements

Unstable Arrangements is the sum of number of households reported under the following housing status categories: Emergency Shelter/Street; Jail/Prison; or Disconnected.

Housing Status Outcome: Life Event

If a household that accessed assistance during the operating report experienced the death of the HOPWA qualified person, then that outcome is reported as a Life Event.

Output #4--Outcomes on Access to Health Care, Case Management Services, and Employment Assistance and Training

To measure the effectiveness of this support, grantees must report access to care and support outcomes. These outcomes include: (i) has a housing plan for maintaining or establishing stable on-going residency; (ii) had contact with a case manager/benefit counselor consistent with the schedule specified in their Housing Plan of Care; (iii) had contact with a primary health care provider consistent with the schedule specified in their Housing Plan of Care; (iv) accessed or maintained access to medical insurance coverage or medical assistance; (v) successfully accessed or maintained qualification for a source of income; and (vi) obtained an income-producing job that resulted from HOPWA-funded job training, employment assistance, education or case management/counseling services.

Grantees should consider how STRMU-assisted households can improve their access to other support needed to establish a more stable housing situation. Assessing access to care and support outcomes can be a useful step in identifying how to improve access to critical services for STRMU assisted households. Case management services can enable STRMU households to maintain stable living arrangements by accessing other supportive services, such as employment training and benefits counseling along with

healthcare and mainstream services. Such efforts may be shown in changes in the household incomes, through access to other public benefits or employment.

HOPWA Client Satisfaction Survey Summary Report

Project sponsors must implement a client satisfaction survey, and submit a written summary of the survey results to their DOH contract manager by February 20, each year of this contract. The survey instrument and summary format can be developed at the local level; however, review Exhibit A in the Florida State HOPWA Program's reporting requirements document for a template that may be modified to meet local needs. It is advisable that contract managers maintain a final copy on file for monitoring by state and/or federal agencies.

**FLORIDA STATE HOPWA PROGRAM
CONSENT TO RELEASE INFORMATION**

I, _____, authorize staff and/or volunteer staff of the following agencies to release and/or share information regarding services received, past, current, or in the future, for the express purpose of receiving or gaining access to services related to my current or future needs.

This consent may be revoked by me anytime by writing and informing the agency holding this original form. I understand that I may add other agencies to this list if needed.

Agency	Client Initials	Date
Lead Agency (insert name here)		
Department of Health (Required)		
Department of Children and Families		
Food Stamp Office		
Medicaid Office		
Social Security Office		
Primary Healthcare Provider		
Other (insert name here)		

Client/Guardian Signature

Date

Housing Coordinator Signature

Date

**FLORIDA STATE HOPWA PROGRAM
MEMORANDUM OF UNDERSTANDING
CONFIDENTIALITY OF CLIENT INFORMATION**

The purpose of this Memorandum of Understanding is to emphasize that all information held in health records is confidential, with access governed by state and federal laws. Information, which is confidential, includes a client's name; address; medical, social, and financial data; and services received. In addition, the fact that someone has had an HIV test is confidential, whether the result of that test is positive or negative. Data collection by interview, observation, or review of documents should be conducted in a setting that protects the client's identity from unauthorized individuals. Client information should not be discussed outside the agency, except with the client's written consent, in the performance of referrals to other agencies for client care.

Section 384.29, Florida Statutes, addresses the need for special discretion in the handling of sexually transmissible disease information. Sexually transmissible diseases, by their nature, involve sensitive issues of privacy; and all programs designed to deal with these diseases should afford privacy and confidentiality to the client.

Section 381.004 (3), Florida Statutes, deals with confidentiality of HIV test results. There are penalties for violating this statute. These penalties range from disciplinary action by the agency to a criminal misdemeanor.

I understand and agree to abide by these confidentiality provisions.

Housing Coordinator Signature

Date

FLORIDA STATE HOPWA PROGRAM PARTICIPATION AGREEMENT

The HOPWA Program was authorized by the National Affordable Housing Act (Public Law #101-625) on November 28, 1990, to provide states and designated eligible metropolitan statistical areas (EMSAs) with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with HIV disease and AIDS.

The purpose of the HOPWA grant in Florida is to provide assistance with short-term rent, mortgage, and utilities (STRMU); transitional housing; and permanent housing placement (PHP). As a short-term intervention tool, STRMU assistance is not intended to provide continuous or perpetual assistance.

The objective of the HOPWA program is to address the housing needs of eligible persons associated with the challenges of living with HIV/AIDS. HOPWA is a "needs-based" program; therefore, clients must demonstrate the level of benefits needed through verifiable documentation.

Verifiable documentation of client expenses to be covered by program assistance is as follows:

- Monthly mortgage statements or lease/rental agreements.
- Default/late payment notice for rent, mortgage or deed of trust, or certified letters from landlords.
- Original copy of utility bill, or default/late/overdue payment notice for utilities showing period of service rendered.

Guidelines from HUD strongly encourage the HOPWA funding be administered in coordination with Ryan White programs. Funding received from this grant may not be used to replace other state, federal, or local funding.

HOPWA is a federal funding source from HUD, and should be accessed **AS A LAST RESORT**.

HUD guidelines also require the client to secure and maintain housing stability and enhance financial management. The strategies to accomplish this will include a comprehensive, goal-oriented, individualized plan of care.

The following application and plan of care information must be completed and signed by the client and Housing Coordinator to process your application.

Client Signature

Date

Housing Coordinator Signature

Date

FLORIDA STATE HOPWA PROGRAM PARTICIPANT RIGHTS AND RESPONSIBILITIES

I am applying for assistance through the State HOPWA Program. I understand there are multiple components in the application process that I agree to complete to the best of my ability.

I authorize my Housing Coordinator to obtain the information needed to determine my meeting program qualifications for HOPWA services and to develop a personalized plan of care.

I certify that I have not **manufactured or produced methamphetamine** on the premises of federally assisted housing (24CFR 960.204, 24CFR 982.553); and I am not a **sex offender** subject to a lifetime registration requirement under a State sex offender registration program (24CFR 960.204, 24CFR 982.553).

Persons applying for assistance through the State HOPWA Program have rights and responsibilities.

RIGHTS

- You have the right to choose whether or not to apply for assistance through this program.
- You have the right to choose the service providers from whom you will receive your HOPWA services, to the extent that they are available.
- You have the right to receive the HOPWA services you need; these may or may not include all the services you desire.
- You have the right to receive timely, respectful, high quality services from the staff of all providers without regard to age, ethnicity, gender, disability, religion, sexual orientation, values and beliefs, and marital status.
- You have the right to request copies of all signed documents and have access to your service record.
- You have the right to participate in the development of your plan of care.
- You have the right to receive current information and education about housing services and resources.
- You have the right to file a complaint, grievance, and appeal for decisions with which you do not agree.
- You have the right to request an interpreter to enhance communication.

RESPONSIBILITIES

- You are responsible to conduct yourself in a courteous, cooperative, assertive, and respectful manner.
- You are responsible for keeping scheduled appointments, responding in a timely manner to all appointments, and accepting offered and necessary services.
- You are responsible for notifying the project sponsor if any illness interferes with scheduled appointments.
- You are responsible for working with your Housing Coordinator to develop a plan of care, and actively participate in its implementation.
- You are responsible for providing all documentation needed to acquire housing services.

**FLORIDA STATE HOPWA PROGRAM
PARTICIPANT RIGHTS AND RESPONSIBILITIES
(continued)**

- You are responsible for notifying your Housing Coordinator when you have problems in obtaining housing services or when you are dissatisfied with your care.
- You are responsible for following health care instructions to the best of your ability.
- You may be responsible for a portion of the costs of your housing services.
- You are responsible for notifying your Housing Coordinator of any changes such as address, income, and living arrangements.

CLIENT COMPLAINT, GRIEVANCE, AND APPEAL PROCEDURES

- You have been informed of the project sponsor's client complaint, grievance, and appeal procedures.
- You have the right to file a complaint, grievance, and/or an appeal.
- You have the responsibility to initiate these actions.

I have had the opportunity to discuss, and I am fully aware of the Participants Rights and Responsibilities outlined above. The Housing Coordinator will provide a signed copy to the client.

Client Signature

Date

Housing Coordinator Signature

Date

INCOME ELIGIBILITY CALCULATION WORKSHEET

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

This worksheet will determine income eligibility for the HOPWA program.

Note income exclusions on see pages 2 and 3.

HOPWA Regulation 24CFR574.3 Definitions states that a person is eligible for HOPWA housing and services if they are "low-income" as defined in the **AIDS Housing Opportunity Act Section 853(3)** which reads: "The term low-income individual means any individual or family whose incomes do not exceed 80 percent of the median income for the area (AMI), as determined by the Secretary of HUD." **Local jurisdictions may impose an eligibility threshold of 50% or 30% AMI with HUD Field Office approval.**

*The total income of the household (Annual Gross Income) is from all sources anticipated to be received in the 12-month period following the effective date of the income certification. Therefore, income must be ANNUALIZED, e.g. payment amount X number of payment periods/yr., for all income sources.

1. The full amount, before payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, other compensation for personal services prior to payroll deductions. (Applies to client and **all** household members 18 and older. For full-time students 18 and over, only \$480 of annual earned income should be included here). \$ _____

2. Periodic payments from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, excluding lump sum payments for the delayed start of a periodic payment. (Except as provided in (c)(14)). \$ _____

3. Payments in lieu of earnings, such as unemployment, disability, worker's compensation, and severance pay. (Except as provided in (c)(3)). \$ _____

4. Welfare Assistance, including payments made under other programs funded, separately or jointly, by federal, state, or local governments which are not excluded by Federal Statutes (see Income Exclusions). \$ _____

5. Periodic allowances including alimony and child support payments, and regular contributions or gifts received from organizations or persons not residing in the residence. \$ _____

6. Net income from operation of a business or profession.
Interest, dividends, and other net income of any kind from real or personal property. Where net family assets are in excess of \$5,000, annual income shall include the greater of actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. \$ _____

7. All regular pay, special pay and allowances of a member of the Armed Forces (Except Hostile Fire Pay). \$ _____

8. **ANNUAL GROSS INCOME* TOTAL OF LINES 1-7**
Note: Annual income must be reassessed at least annually. However, if there is substantial change in the household's income during the year, an adjustment must be made to the resident rent to reflect the change in income. \$ _____

9. Select Area Median Income used for this HOPWA jurisdiction's eligibility threshold:
80% AREA MEDIAN INCOME FOR THIS HOUSEHOLD SIZE \$ _____
50% AREA MEDIAN INCOME FOR THIS HOUSEHOLD SIZE \$ _____
30% AREA MEDIAN INCOME FOR THIS HOUSEHOLD SIZE \$ _____

Note: If # 8 is above applicable Area Median Income (AMI) the applicant is **not** eligible for HOPWA assistance.

10. **Is applicant eligible for the HOPWA program?**

YES _____

NO _____

INCOME EXCLUSIONS
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
For complete regulations, refer to 24CFR5.609(c)

Annual Gross Income Does Not Include:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or to the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. (a) Amounts received under training programs funded by HUD;
(b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
(c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
(d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Public Housing Authority (PHA) or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
(e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment-training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program;
9. Temporary, nonrecurring or sporadic income (including gifts);

Continued on next page...

10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
15. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24CFR5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
17. EARNED INCOME DISREGARD/SELF-SUFFICIENCY INCENTIVES FOR PERSONS WITH DISABILITIES. In addition to deductions mandated in 24 CFR 5.611(a), HUD requires disregard for income to previously unemployed persons with disabilities who have earned income as described in 24 CFR 5.617(a)(b)(c)(d).

**FLORIDA STATE HOPWA PROGRAM
VERIFICATION OF NO INCOME**

I, _____ have applied for housing services through the State HOPWA Program. The federal government and the Department of Health require verification of all income.

I have stated during this verification process that I have no income at this time. I have not received income since _____. I do not expect to receive any income until _____.

I verify that all statements regarding my income are true.

Client Signature

Date

Housing Coordinator Signature

Date

FLORIDA STATE HOPWA PROGRAM CHECKLIST

BEFORE YOU APPLY FOR HOPWA:

1. You must be determined *eligible* for patient care services.
2. You must be at *imminent risk of homelessness* if assistance is not provided.
3. You must show the *ability to maintain future rent/mortgage and utility expenses* if HOPWA assistance is granted.

Client Name: _____

Date: _____

NOTE: Client **must** provide first 5 items on checklist to case manager before proceeding.

- _____ 1. Client has provided a Notice of Eligibility.
- _____ 2. Client has signed a statement certifying they are **not** a registered sex offender.
- _____ 3. Client has provided documentation of all household income and meets HUD household income requirements. 80% median income requirement has been verified.
- _____ 4. Client has provided verifiable documentation of expense(s) to be covered by program assistance as follows:
 - Monthly mortgage statements/coupons.
 - Lease/rental agreements.
 - Default/late payment notice for rent, mortgage or deed of trust, or certified letters from landlords.
 - Original copy of utility bill, or default/late/overdue payment notice for utilities showing period of service rendered.
- _____ 5. Security deposit/Landlord agreement have been completed, signed, and returned from landlord.
 - If client is living with a family member, they must provide a copy of lease agreement dated **prior** to request for HOPWA assistance.
- _____ 6. Participation Agreement signed by client
- _____ 7. Application Form for Housing Assistance completed and signed by client.
- _____ 8. Verification of No Income completed and signed by client.
- _____ 9. Client Needs Assessment for Assistance completed and signed by client.
- _____ 10. Participant Rights and Responsibilities signed by client.
- _____ 11. Consent to Release Information completed, initialed, and signed by client.
- _____ 12. Client Budget Worksheet completed and signed by client.
- _____ 13. Housing Plan of Care goals completed and signed by client.
- _____ 14. Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment completed.

**FLORIDA STATE HOPWA PROGRAM
CLIENT NEEDS ASSESSMENT FOR ASSISTANCE**

Client Name: _____

Date: _____

Employment:

1. Are you now employed? (Y/N) _____
2. Name of Business: _____
3. Address: _____
4. Phone number: _____
5. Your Title/Type of work you do: _____
6. Gross Monthly Income: _____

Unemployment:

1. Are you now unemployed? (Y/N) _____
2. Date of last employment: _____
3. Place of last employment: _____
4. Reason you left your job: _____
5. Your title/type of work you did: _____
6. Are you now able to work? (Y/N) _____ If no, explain: _____
7. Have you been seeking employment? (Y/N) _____ If yes, for how long? _____
8. Are you receiving unemployment assistance? (Y/N) _____ How much? _____/month

Social Security

1. Are you now receiving Social Security Income? (Y/N) _____ If yes, amount \$ _____
2. Have you applied for Social Security? (Y/N) _____
3. When will you receive your first SSI check? _____
4. Have you been denied Social Security? (Y/N) _____
5. If yes, are you appealing? (Y/N) _____ Date of Last Appeal: _____
6. Do you have an appeal hearing date? (Y/N) _____ Hearing date: _____

Housing

1. Are you now homeless? (Y/N) _____
2. If yes, how long have you been homeless? _____ Years _____ Months
3. How many people reside within your household? _____
4. # of adults in your household: _____ What is each adult's relation to you? _____
5. # of children in your household: _____ What is each child's relation to you? _____
6. What is the total income of all other members of your household? (Do not include yourself)
\$ _____
7. Do you live alone? (Y/N) _____ If yes, would you consider shared housing? (Y/N)

**FLORIDA STATE HOPWA PROGRAM
CLIENT NEEDS ASSESSMENT FOR ASSISTANCE
(continued)**

Financial

1. Do you receive TANF? (Y/N) _____ If yes, monthly amount: \$ _____
 2. Do you receive child support? (Y/N) _____ If yes, monthly amount: \$ _____
 3. Do you receive food stamps? (Y/N) _____ If yes, monthly amount: \$ _____
 4. List **all** other sources of income and amount received per month:

_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____
_____ \$ _____
- Total of Lines 1 to 4:** \$ _____

Income Limit (Required)

Housing Coordinator has verified applicant meets 80% median income requirement. (Y)_____

I have been informed of the HOPWA guidelines, and understand that I must work with my Housing Coordinator in developing a comprehensive plan to secure and maintain housing stability and enhance financial management. I certify that all information provided in this application is true and correct, and I understand that providing false information will result in immediate termination of HOPWA assistance and possible criminal prosecution.

Client Signature (or legal guardian if client is a minor)

Date

Housing Coordinator Signature

Date

**FLORIDA STATE HOPWA PROGRAM
CLIENT BUDGET WORKSHEET**

Client Name: _____ Date: _____

of people in household: _____ # of adults: _____ # of children: _____

Monthly Household Income and Assets

In this section, list **all** household income and assets, including paychecks, unemployment, Social Security checks, TANF, child support, savings accounts, checking accounts, stocks, CDs, mutual funds, IRAs, annuities, etc.

Household Member's Name	Type of Income/Asset	Amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
	Total	\$ _____

Monthly Expenses	Current	Goal
Rent/mortgage	\$ _____	\$ _____
Electricity	\$ _____	\$ _____
Gas (home)	\$ _____	\$ _____
Water	\$ _____	\$ _____
Child care	\$ _____	\$ _____
Health care	\$ _____	\$ _____
Car insurance	\$ _____	\$ _____
Gas (transportation)	\$ _____	\$ _____
Bus/taxi/other	\$ _____	\$ _____
Groceries	\$ _____	\$ _____
Dining out	\$ _____	\$ _____
Telephone/land line and/or cell	\$ _____	\$ _____
Other	\$ _____	\$ _____
Total	\$ _____	\$ _____

I hereby certify that I am in need of HOPWA assistance, and declare that all the information that I have provided regarding my current financial situation is accurate and complete.

Client Signature

Date

**FLORIDA STATE HOPWA PROGRAM
HOUSING PLAN OF CARE
(Goals and Progress Report)**

Client Name: _____ Date: _____
Current housing situation: _____
Number in household: _____

Housing Objectives

- Establish or better maintain a stable living environment.
- Improved access to HIV treatment and other healthcare support.
- Reduce the risk of homelessness among people living with HIV/AIDS and their families.

Assessment

This section is designed to be used with the Application Form for Housing Assistance, Client Needs Assessment for Assistance, and Client Budget Worksheet to:

- Help keep the focus on immediate needs while assisting in the development of long-term housing plans.
- Help determine the feasibility of independent housing vs. supportive living environments.

Plan

List any problems identified in the Client Needs Assessment for Assistance and Client Budget Worksheet (may include others problems not identified):

Short-Term Housing (STRMU)

Goals:

1. _____
2. _____
3. _____
4. _____

Target Date:

Progress:

1. _____
2. _____
3. _____
4. _____

Date:

**FLORIDA STATE HOPWA PROGRAM
HOUSING PLAN OF CARE
(continued)**

Accomplished Goals:

Completion Date:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Long-Term Housing (TBRA)

Goals:

Target Date:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Progress:

Date:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Accomplished Goals:

Completion Date:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Permanent Housing Placement (PHP)

Goals:

Target Date:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

**FLORIDA STATE HOPWA PROGRAM
HOUSING PLAN OF CARE
(continued)**

Progress:

Date:

1. _____
2. _____
3. _____
4. _____

Accomplished Goals:

Completion Date:

1. _____
2. _____
3. _____
4. _____

Transitional Housing

Goals:

Target Date:

1. _____
2. _____
3. _____
4. _____

Progress:

Date:

1. _____
2. _____
3. _____
4. _____

Accomplished Goals:

Completion Date:

1. _____
2. _____
3. _____
4. _____

**FLORIDA STATE HOPWA PROGRAM
HOUSING PLAN OF CARE
(continued)**

I, _____ agree to the above goals, and will make all efforts toward achieving these goals to become independent of HOPWA assistance. ***I understand that I must demonstrate what I have accomplished regarding the above goals before applying for HOPWA assistance again.***

Client Signature

Date

Housing Coordinator Signature

Date

NOTES:

Recipients of housing assistance will be required to meet with the Housing Coordinator to develop and agree to a HOPWA Housing Plan of Care within 15 days of starting the assistance. Also, comprehensive case notes must include detailed information regarding the progress of all goals identified.

**FLORIDA STATE HOPWA PROGRAM WORKSHEET FOR CALCULATING THE
MAXIMUM SUBSIDY FOR RESIDENT RENT/MORTGAGE PAYMENT**

Client Name: _____ # of Bedrooms: _____

County of Residence: _____ Household Income: _____

Anticipated Annual Gross Income \$ _____

Less Allowances (including child care expenses) - \$ _____
(\$480/year per child; \$400/year per elderly person)

Adjusted Income \$ _____

Rental assistance is based upon Fair Market Rent (FMR) for the county/city of residence and the size of the residence (1BR, 2BR, 3BR, etc.), or **the client's actual rent, if lower than the FMR.**

NOTE: Fair Market Rent information can be found at:
<http://www.huduser.org/portal/datasets/fmr.html>

Each person receiving rent, mortgage, or (monthly) transitional housing assistance will contribute as their portion of the rent **the higher** of:

1) Monthly Adjusted Gross Income x 30% \$ _____

2) Family's Monthly Gross Income x 10% \$ _____

3) TANF Assistance (adjusted in accordance with the family's actual housing costs) \$ _____

If the client has no income or TANF assistance, enter "0" on lines 1, 2, and 3 and document "no income" in progress notes.

Monthly income is: weekly gross wages or payment x 4.33, or monthly payments from Social Security, pension funds, etc.

Monthly assistance for rent, mortgage, and transitional housing assistance for an eligible person may not exceed the difference between the resident's portion of the rent payment (which is the higher of 1, 2, or 3 above) and the Fair Market Rent (FMR) for the Unit.

Fair Market Value for the area, or actual rent (if lower) \$ _____

Less client's portion of the rent - \$ _____

Maximum subsidy provided for the client \$ _____

Example of Calculation of Maximum Subsidy/Client Co-Payment Responsibility:

Client has income of \$750 per month from Social Security, and has one dependent.

Annual adjusted gross income is \$9,000 - \$480 = \$8,250. $\$8,250 \times 30\% = \$2,556 + 12 = \$213.00$

Family's annual gross income is \$9,000. $\$9,000 \div 12 = \750 . $\$750 \times 10\% = \75.00

Client/family receives no public assistance. Client contributes \$213.00 per month towards the rent/mortgage payment.

LANDLORD AGREEMENT

NOTE: THIS FORM MUST BE FILLED OUT COMPLETELY IN ORDER TO BE PROCESSED FOR PAYMENT.

This is to verify that _____ is/are the tenant(s) residing at _____.

The rent is \$ _____ per _____ (month or week). As of _____ the tenant's account has a \$ _____ balance due. This amount is for rent payment(s) due from _____ to _____.

An eviction notice will be served if the account is not paid current by _____.

If the tenant(s) is/are qualified for assistance, I agree to accept payment for the amount listed in the authorization voucher. I understand that payment will be received within 30 days of the date on the voucher. Further, I understand that any balance due on the rent after the authorized amount has been paid remains the responsibility of the tenant(s).

Please print clearly:

Make check payable to: _____

Address: _____

Name of landlord: _____

Telephone #: _____ Fax #: _____

Landlord Signature

Date

Tax ID # or Social Security #: _____

.....

FOR OFFICE USE ONLY

AUTHORIZED AMOUNT: Rent \$ _____

Housing Coordinator Signature

Date

SECURITY DEPOSIT AGREEMENT

NOTE: THIS FORM MUST BE FILLED OUT COMPLETELY IN ORDER TO BE PROCESSED FOR PAYMENT.

This is to verify that _____ has applied to rent an apartment located at _____. The rent is \$_____ per _____ (month or week). The security deposit is \$_____.

If this individual is qualified for assistance, I agree to accept a check from the Department of Health to cover the cost of the security deposit. I understand that payment will be received within 30 days of the date on the voucher. Further, I understand that any balance due on the security deposit after the authorized amount has been paid by the Department of Health remains the responsibility of the tenant.

Please print clearly:

Make check payable to: _____

Address: _____

Name of landlord: _____

Telephone #: _____ Fax #: _____

Landlord Signature

Date

Tax ID # or Social Security #: _____

.....
FOR OFFICE USE ONLY

AUTHORIZED AMOUNT: Security Deposit \$ _____

Housing Coordinator Signature

Date

**FLORIDA STATE HOPWA PROGRAM
CLIENT AGREEMENT FOR RETURN OF SECURITY DEPOSIT**

I, _____ am applying for financial assistance through the State HOPWA Program to cover my deposit for:

Type	Amount	Paid to Agency or Individual
Rent		
Electric		
Water		
Gas		

at the following address:

If my application for assistance is approved:

- I understand that if my deposit amount is not returned to the State HOPWA Program when I leave this residence, I will not qualify for further deposit assistance through this program.
- If my landlord or utility company refunds the deposit to me, I agree to return the entire amount of the deposit refunded to the State HOPWA Program.
- I understand that when I leave this residence any balance due on my account for any of the above named services is my responsibility.

By my signature below, I agree to all the terms of this agreement.

Client Signature

Date

**FLORIDA STATE HOPWA PROGRAM
CLIENT HOUSING AND SUPPORT SERVICE PAYMENT ASSISTANCE WORKSHEET**

This worksheet allows you to keep track of the different types of assistance provided through the State HOPWA Program. Please list the amount for each type of assistance provided according to your contract below.

- NOTE:**
- Federal regulations (HUD) state that Short-Term Rent, Mortgage, and Utilities (STRMU) assistance cannot exceed 21 weeks (consecutive or not) within a 52-week period.
 - Permanent Housing Placement (PHP) assistance is not to exceed 2 months of rent costs, including security deposits and fees for credit checks (can include a one-time utility hookup and processing costs).
 - Transitional Housing assistance is not to exceed 60 days.

Year: _____

Type of Assist	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
STRMU – Rent	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
STRMU – Mortgage	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
STRMU – Utility (gas, electric, water, and/or sewer)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Support Service – Permanent Housing Placement (PHP)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Support Service – Transitional Housing	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
TBRA	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

FLORIDA DEPARTMENT OF HEALTH, HIV/AIDS SECTION CLIENT COMPLAINT, GRIEVANCE, AND APPEAL PROCEDURES

Introduction

The following procedures apply to programs operated under the auspices of the Florida HIV/AIDS Section including, but not limited to, Ryan White Part B, Patient Care Network, Housing Opportunities for Persons With AIDS (HOPWA) or patient care general revenue funded services for eligible, enrolled clients only. This document is intended to guide lead agencies/project sponsors and/or providers in developing and refining their own grievance policies and procedures, and is not intended for distribution to clients. However, local policies and procedures must contain the following core elements at a minimum:

- Fair and reasonable written procedures that promote resolutions at the local level.
- Procedures that ensure clients are aware of their right to file a formal grievance or appeal, including posting the right of a client to file a grievance or appeal in a prominent place and written notices that include the right to file a grievance or appeal in other languages to meet the needs of clients with limited English proficiency.
- Staff training on grievance and appeal procedures by local agency staff.
- Specific timeframes for resolving complaints, grievances and appeals. All complaints should be acknowledged within two (2) business days and resolved within ten (10) business days. Both grievances and appeals should be resolved by the lead agency within sixty (60) calendar days of the date of the grievance or appeal, and the lead agency must notify the client in writing of the decision.
- Final review by an independent third party when the grievance or appeal cannot be resolved to the satisfaction of all parties involved.

Definitions

- a. A complaint is any verbal or written expression of dissatisfaction by an individual regarding the administration or provision of services. A complaint is an opportunity to resolve a problem without it becoming a formal grievance or appeal.
- b. An action is any denial, limitation, reduction, suspension, or termination of a service.
- c. A grievance expresses dissatisfaction about any matter other than an action.
- d. An appeal is a request for review of an action.
- e. A dismissal is a formal action to cease delivering services and close the case record of an active client.
- f. A service provider is any entity other than the lead agency/project sponsor that provides a service (i.e. subcontracted transportation or case management provider).

Complaint Procedures

Providers and clients are encouraged to resolve complaints informally at the lowest organizational level possible prior to initiating the formal grievance or appeal procedures. Complaints received by the service provider/project sponsor:

- Should be acknowledged within two (2) days and resolved within ten (10) business days.
- If the service provider resolves the complaint to the satisfaction of the client, no further action is needed.

-
- If the service provider cannot resolve the complaint to the client's satisfaction within ten (10) business days, the client will have the option to file a formal written grievance or appeal with the lead agency/project sponsor. If the client is unable to file a grievance or appeal in writing the lead agency/project sponsor will assist the client in doing so.

Complaints received by the lead agency/project sponsor:

- Should be acknowledged within two (2) days and resolved within ten (10) business days.
- If the lead agency/project sponsor provider resolves the complaint to the satisfaction of the client, no further action is needed.
- If the lead agency/project sponsor cannot resolve the complaint to the client's satisfaction within ten (10) business days the lead agency/project sponsor will give the client the option to file a formal grievance or appeal in writing. If the client is unable to file a grievance or appeal in writing the lead agency/project sponsor will assist the client in doing so.

Grievances and Appeals

Lead agencies/project sponsors and service providers must ensure that clients are informed of grievance and appeal policies and procedures at the first meeting between the case manager and the prospective client. At a minimum, clients must be reminded of these policies and procedures at every eligibility redetermination. Clients must be told that the documents can also be made available in alternate formats (e.g., foreign languages, Braille) to accommodate the needs of the client as required by contract. Lead agencies/project sponsors should make certain that the contract manager is notified of any grievances and appeals upon receipt.

Information about the grievance and appeal process, and how a client may start the process must be posted in prominent areas such as lobbies or waiting rooms.

Grievance and appeal procedures must clearly identify the title of a specific staff position or positions that a client may contact for assistance in initiating the process. Contact information such as phone numbers, e-mails, and mailing addresses must also be clearly provided and should be included in written notices and posted documents.

Grievance Procedures

Grievances received by the service provider:

- Complaints that are not resolved to the client's satisfaction within ten (10) business days, that are not about an action, such as a denial of services, will become a grievance and should be sent to the lead agency/project sponsor for resolution. The service providers must continue to work with the client and the lead agency/project sponsor for resolution.
- The client may file a grievance directly with the lead agency/project sponsor.

Grievances received by the lead agency/project sponsor:

- The lead agency/project sponsor receiving the grievance must enter it into the grievance and appeal log and send a written acknowledgment to the client within five (5) business days of receipt.

-
- The lead agency/project sponsor is responsible for collecting all pertinent facts from both parties regarding the grievance.
 - The individual(s) conducting the final review of a grievance must not be involved in previous levels of review or decision making. Additionally, all decision makers must have expertise in the program requirements involved in each grievance.
 - The lead agency/project sponsor will have sixty (60) calendar days to resolve the grievance and notify the client in writing of the decision.
 - If the grievance is settled to the client's satisfaction, no additional action is required.
 - If the grievance is not settled to the client's satisfaction, the lead agency/project sponsor must notify the HIV/AIDS Program Coordinator (HAPC) and the designated Community Programs Coordinator/State HOPWA Housing Coordinator for the area within five (5) business days to seek a resolution.

Grievances received by the HAPC and Community Programs Coordinator/State HOPWA Housing Coordinator:

- The HAPC and Community Programs Coordinator/ State HOPWA Housing Coordinator will review the grievance and issue a written resolution within ten (10) business days to the lead agency/project sponsor.

Appeal Procedures

Appeals received by the service provider:

- Complaints about an action, such as a denial of services, that are not resolved to the client's satisfaction within ten (10) business days will become an appeal and should be sent to the lead agency/project sponsor for resolution. The service providers must continue to work with the client and the lead agency/project sponsor for resolution.

Appeals received by the lead agency/project sponsor:

- The lead agency/project sponsor will receive the appeal and will enter it into the grievance and appeal log and send a written acknowledgment to the client within five (5) days of receipt.
- The lead agency/project sponsor is responsible for collecting all pertinent facts from both parties regarding the appeal.
- The individual(s) conducting the final review of an appeal must not be involved in previous levels of review or decision making. Additionally, all decision makers must have expertise in the program requirements involved in each appeal.
- The lead agency/project sponsor will have sixty (60) calendar days to resolve the appeal and notify the client in writing of the decision.
- If the appeal is settled to the client's satisfaction, no additional action is required; however, if the appeal is not settled to the client's satisfaction, the lead agency/project sponsor must notify the HAPC and the designated Community Programs Coordinator/ State HOPWA Housing Coordinator for the area within five (5) business days to seek a resolution.

Appeals received by the HAPC and Community Programs Coordinator/State HOPWA Housing Coordinator:

- The HAPC and Community Programs Coordinator/ State HOPWA Housing Coordinator will review the appeal and issue a written resolution within ten (10) business days to the lead agency/project sponsor.

The following provisions apply only to the state HOPWA Program:

- Active HOPWA clients will receive a continuation of their services following a request for an appeal.
- Clients receiving a continuation of services pending an appeal determination will only receive services up to the time period approved during their initial assessment for meeting program requirements. Clients will not receive HOPWA services in excess of 21 weeks, per federal regulations.

Program Dismissal

The HIV/AIDS Section recognizes the importance of delivering care to its clients. Program dismissal should be implemented only for serious or persistent violations and after intervening steps have been exhausted. Prior to dismissal, the state program office must be notified in writing and all information related to the dismissal must be submitted to state program staff for review and approval.

Reasons for a dismissal include, but are not limited to:

- Immediate program termination may be warranted in instances of fraud, bribery, threats of violence or any other corrupt or criminal acts in connection with the program. Acts of fraud include providing false statements, misrepresentation, impersonation, or other substantiated fraudulent actions that affect a determination as to the client's eligibility to receive services. Threats of violence include verbal and non-verbal actions that threaten the safety of the client themselves, other clients, staff, landlords, or neighbors of clients receiving HOPWA services.
- A client terminated from the program due to criminal behavior or activity may be readmitted into a program upon submission of court documents demonstrating that the client was acquitted, or cleared, of all charges related to the incident that led to termination. Compelling evidence of changes in circumstances and client behavior may also factor into a client's re-admission into the program after termination. However, readmission shall be contingent upon availability of program funds and the client's program eligibility at the time of a request for re-admission.
- Notice of dismissal must be provided in writing to the client within five (5) business days of the state program office's approval of termination. The notice must be delivered by mail and should include substantiated reasons for dismissal.
- The client who has received a notice of dismissal has the right to initiate an appeal in accordance with policies and procedures outlined in this document.

The following provisions apply only to the state HOPWA Program:

-
- Individuals found to have manufactured methamphetamine on the premises of federally assisted housing and sex offenders subject to a lifetime registration requirement under a state sex offender registration program are prohibited from receiving HOPWA services per Housing and Urban Development (HUD) statute and regulations.

Please note: This document shall not supersede state statutes or federal regulations.

RENT REASONABLENESS CHECKLIST AND CERTIFICATION

24 CFR 574.320 (a)(3) Rent reasonableness. The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units.

	Proposed Unit	Unit #1	Unit #2	Unit #3
Address				
Number of Bedrooms				
Square Feet				
Type of Unit/Construction				
Housing Condition				
Location/Accessibility				
Amenities Unit: Site: Neighborhood:				
Age in Years				
Utilities (type)				
Unit Rent Utility Allowance Gross Rent				
Handicap Accessible?				
Most Recently Charged Rent For Proposed Unit		Reason for Change		

* Other local resources may be used to obtain information, e.g.: market surveys, classified ads.

I certify that I am not a HUD certified inspector and I have evaluated the property located at the above address to the best of my ability and find the following:

CERTIFICATION:

A. Compliance with Payment Standard

_____ + _____ = _____ Proposed
Contract Rent Utility Allowance Proposed Gross Rent

Approved rent does not exceed applicable Payment Standard of \$_____.

B. Rent Reasonableness

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit ____ IS ____ IS NOT reasonable.

Name: _____ Signature: _____ Date: _____

Disallowance of Increase in Annual Income (Earned Income Disregard)

In February 2001 HUD finalized regulations that require housing providers in certain HUD programs to disregard some or all of the earned income for tenants with disabilities. The Earned Income Disregard, as it is commonly called, allows qualified individuals and families receiving housing assistance to keep more of their earned income for a period of up to two years following an increase in employment income. The purpose is to assist persons with disabilities in obtaining and retaining employment, as an important step toward economic self-sufficiency.

Who qualifies for the earned income disregard?

1. A disabled family receiving assistance through one of the following programs:

- HOPWA (Housing Opportunities for Persons with AIDS)
- HOME (HOME Investment Partnership Act)
- SHP (Supportive Housing Program)
- Housing Choice Voucher (Section 8)

The Earned Income Disregard does not apply for purposes of admission to these programs.

AND at least one of the following:

2. Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment; OR

3. Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; OR

4. Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least \$500.

Definitions

Previously Unemployed: Includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Minimum Wage: The prevailing minimum wage in the state or locality. Go to this web link to verify the minimum wage in your state: <http://www.dol.gov/esa/minwage/america.htm>. The established minimum wage means the federal minimum wage unless there is a higher state or local minimum wage.

Economic Self-Sufficiency Program: Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment)

Initial and Phase-In Exclusion Periods

Initial 12-Month Exclusion: 100% Exclusion of income over the amount of prior income (if any). This cumulative period begins on the date a member who is a person with disabilities of a qualified family is first employed OR the date the family first experiences an increase in annual income attributable to employment. The responsible entity must exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member. If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months.

Second 12-Month Exclusion/Phase-In: 50% Exclusion of income over the amount of income prior to the beginning of the initial exclusion (if any).

The second 12-month cumulative period after the date a member who is a person with disabilities of a qualified family is first employed OR the date the family first experiences an increase in annual income attributable to employment. The responsible entity must exclude from annual income of a qualified family fifty percent (50%) of any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member. If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months

Maximum 48-Month Disallowance: There is a 48-month (four year) lifetime maximum time frame for each qualifying family member to utilize the Earned Income Disregard. The 48-month period is *consecutive* and begins at the initial exclusion, either the date that a qualified family member is first employed or the date when the family first experienced an increase in annual income. The exclusion ends when the qualifying family member uses both 12-month exclusions (initial 12-month 100% and second 12-month 50%) or until the 48-month lifetime maximum is reached, whichever comes first. No disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Documentation and Tracking

Documentation should be maintained and may include the following:

1. Date the increase in earned income was reported by the family.
2. Name of the family member whose earned income increased.
3. Reason (new employment, participation in job training program, within six months after receiving TANF) for increase in earned income.
4. Verification of income.
5. Amount of the increase in income (amount to be excluded).
6. Date the increase in income is first excluded from annual income.
7. Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if applicable).
8. Date the family member received a total of 12 months of the initial exclusion.
9. Date the second 12-month (phase-in) exclusion period began.
10. Date(s) earned income ended and resumed during the second cumulative 12-month period of exclusion (if applicable).
11. Date the family member received a total of 12 months of phase-in exclusion.
12. Ending date of the maximum 48-month disallowance period OR full utilization of both 12-month periods, whichever comes first. If all months in both the initial and phase-in periods occur consecutively, this date may be as soon as 24 months from the date the exclusion was first applied.

EID Calculation

- A. Current earned income (gross annualized) of EID family member \$ _____
- B. Other current income (gross annualized) of EID family member \$ _____
- C. Total current annual income of EID family member (A+B) \$ _____

- D. Pre-Qualifying income \$ _____
Total gross annual income at last review (earned and unearned) for this member
- E. Full exclusion (C-D, but no more than A) \$ _____
First 12-month exclusion period
- F. 50% exclusion, if applicable (E x 0.050) \$ _____
Second 12-month exclusion period

Question & Answer

Obtained from the HUD website: www.hud.gov/offices/pih/phr/about/ao_faq_eid.cfm

Q1: Does the new disregard apply to a tenant who has income from both TANF and employment, beginning prior to October 1, 2002, but then experiences an increase in earnings from work after October 1, 2002?

A1: The new income disregard applies; tenants whose earnings increase while on TANF are eligible for a disregard of their *increased income due to earnings*.

Example:

A tenant has a 20-hour/week job for which she earns \$550 per month (she did not receive the 18-month disregard) and receives \$200/month in TANF benefits. Beginning November 1, 2002 the employer increases her hours to 35 per week with a slight pay increase for a total of \$1000 per month and she stops receiving the TANF benefits. The new disregard applies to her *increase* in income due to earnings. Under the regulations, \$250/month of the increase in earnings is excluded from her annual income to determine her rent, because that is her increase in income (as opposed to the increase in earnings). The annual income used to determine her rent is 12 times the previous \$750/month of income. Her rent would remain what it was in October 2002 (assuming no other changes in income or family composition), because the October and prior rent was based on the previous gross income of \$750/month.

Q2: At a family's last reexamination effective 1/1/2001, the family is receiving welfare assistance. When the family is reexamined for 1/1/2002, a member of the family has earnings after being previously unemployed for twelve months. This change occurred on 6/15/2001, but the family was not required to report it. Now it is being reported for the reexamination effective 1/1/2002. How is the earned income exclusion benefit processed?

A2: By not reporting the increase, the family has received the benefit for the 6 months prior to the reexamination. The family is entitled to 100 percent of the disregard of any incremental increase for the remaining six months. At the end of that six months, the family is then entitled to the 12 month 50% disregard of the incremental increase.

Q4: Does the \$500 minimum dollar requirement apply only when a family is seeking to qualify for the disregard on the basis of receipt of one-time TANF benefits or ancillary benefits such as transportation assistance, (and not to the receipt of monthly TANF income maintenance benefits)?

A4: Yes, the \$500 minimum dollar requirement applies only to one-time benefits, wage subsidies, and transportation. A person receiving regular monthly income benefits in the previous six months is eligible for the disallowance even if the amount received is less than \$500.

Q5: An individual who was never previously employed obtains his or her first job, but is still receiving a regular monthly income benefit from welfare. Is this individual entitled to the income disregard?

A5: Yes, the individual is eligible for the earned income disregard based on the following criteria: "Whose annual income increases as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for Temporary Assistance to Needy Families **funded under Part A of title IV of the Social Security Act**, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare to Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least \$500."

Q6: An individual is working but also receiving TANF benefits. If the individual's income increases, and as a result, the individual loses the TANF benefits, does the individual qualify for the income disallowance?

A6: Yes, the individual is eligible for the income disregard based on an increase in income as a result of new employment within six months of receiving TANF.

Q7: Does a family receive the benefit of the income disregard if the family experiences an increase in earnings within six months of receiving a non-cash TANF benefit, such as a \$600 payment to an auto shop for repairs to the tenant's car so she could start a new job?

A7: Yes, receipt of at least \$500 in TANF benefits is sufficient to trigger the disregard. To verify which benefits are funded under of the state's TANF program, contact your state or local welfare office.

Q8: In determining a family's eligibility for the income disregard, must the member of a household who gets a job or increased earnings be the same member of the household who received TANF benefits?

A8: Yes. Only members of a qualified family who are also TANF recipients can receive the disregard based on the qualifying factor related to new employment or an increase in income during or within six months of receipt of TANF.

Q9: At reexamination, if some members of a household have increases in their income, and those household members are not entitled to the disregard, how does this affect the rent at the second twelve-month exclusion and phase-in period?

A9: Any increases in income of family members who are not eligible for the earned income disregard will be considered in determining the family's rent.

Q10: Is a tenant eligible for the income disregard if she obtains a job 2 months after completion of the coursework portion of a vocational school program while she is receiving job search and counseling assistance from the program?

A10: Yes. Because she is still receiving services from the training program, she has started a job during the program and is entitled to the disregard.

Q11: If a tenant who qualifies for the disregard gets a job after paying a zero rent, does her rent remain at zero for another 12 months (and then increase to half of what the rent obligation would have been if all her earnings were considered)?

A11: Yes. For example, if a tenant had no income for 12 months prior to getting a job she would meet the eligibility for the disregard as “previously unemployed.” Her rent would remain zero for 12 months after her job began. In months 13 - 24 after her employment began, her rent would be based on half her earnings.

Q12: If a PHA does not perform interim reexaminations and increases rents only at the family's annual reexamination, why does EID begin on the first day of the month following the increase in earnings?

A12: According to the regulation, the exclusion actually begins on the date the family is first employed or first experiences an increase in income attributable to employment. However, for administrative and tracking purposes, the PHA can begin the exclusion on the first of the month following the employment or increase in income. Note: If a person who qualifies for EID begins employment or experiences an increase in income and fails to report this change, the PHA will count this time against the family member's exclusion period.

Q13: A tenant received TANF benefits of \$500 per month from March 2004 - August 2004, and at this point the tenant reached the state's TANF time limit and benefits were terminated. The tenant got a job making \$600/month for September through November 2004. At the end of November, the person quit that job and during the week before Christmas started a new job paying \$1200/month. Is the tenant eligible for the disregard when she reports her new earnings in January 2005?

A13: Yes. The tenant qualifies for the income disregard because the individual received TANF benefits within the 6-month period prior to January 2005. In addition, in the 12 months prior to beginning her new job, she earned only \$1,800, which is less than 500 hours at the federal minimum wage (currently \$2,575) so she is considered to be “previously unemployed.”

Q14: How many times in a 48-month period can a family qualify for the earned income exclusion?

A14: A family member can only receive a total of 12 months for 100% of the incremental increase disregard, and 12 months of the 50% disregard in his or her lifetime. The disregard only applies for a maximum of 4 years from the time it is first applied.

Q15: If a tenant is eligible for the earned income disregard, can the disregarded amounts be used in determining the cap for the childcare expense deduction?

A15: In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income; therefore, the disregarded amounts can not be used in determining the cap for the childcare expense deduction. (See definition of childcare expenses at 24 CFR 5.603.)

Example:

A resident is receiving the benefit of the new earned income disregard. Her salary is \$9,000/year, however, only \$3,000 of this amount is being included in annual income. The remaining \$6,000 is being disregarded. Childcare expenses for her four-year-old daughter total \$3,640/year. The resident's childcare deduction is capped at \$3,000, because this is the amount that is included in annual income.

Full Text of 24 CFR 5.617
Earned Income Disregard

Sec. 5.617 Self-sufficiency incentives for persons with disabilities--Disallowance of increase in annual income.

(a) Applicable programs. The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) Definitions. The following definitions apply for purposes of this section. Disallowance. Exclusion from annual income. Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to

monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least \$500.

(c) Disallowance of increase in annual income--(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must

exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (c)(1) and a maximum of twelve months for disallowance under paragraph (c)(2), during the 48 month period starting from the initial exclusion under paragraph (c)(1) of this section.

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

**ZERO INCOME AFFIDAVIT
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

I, _____, have applied for emergency or rental assistance through the HUD Housing Opportunities for Persons with AIDS (HOPWA) program. Program regulations require verification of all income from participating households.

Income includes but is not limited to:

- Gross wages, salaries, overtime pay, commissions, fees, tips and bonuses
- Net income from operation of a business or from rental or real personal property
- Interest, dividends and other net income of any kind for real personal property
- Periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of period receipts
- Lump sum payment(s) for the delayed start of a periodic payment (except as provided in 24 CFR 5.609 (b)(5))
- Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay
- Public assistance
- Alimony and child support payments (whether through the court system or not)
- Regular pay, special pay and allowances of a head of household or spouse who is a member of the Armed Forces (whether or not living in the dwelling)
- Regular monetary gifts from family and/or friends

I have stated during this verification process that I have no income at this time. I have not received income since _____. I do not expect to receive any income until _____. I applied for _____ (other financial assistance) on _____ (date).

I understand that any misrepresentation of information or failure to disclose information requested on this form may disqualify me from participation in the HOPWA program, and may be grounds for termination of assistance. WARNING: It is unlawful to provide false information to the government when applying for federal public benefit programs per the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. §§ 3801-3812.

I certify that the above information is true and correct. I also understand that it is my responsibility to report all changes to my household composition or income in writing to within ten (10) business days of such change.

Signature: _____ Date: _____

Witness: _____ Date: _____

Case Manager/Care Coordinator’s Notes:

HOPWA HQS Habitability Standards

All housing assisted under 24CFR574.300(b)(3),(4),(5), and (8), including the HOPWA Rental Assistance Program, must provide safe and sanitary housing that is in compliance with the habitability standards outlined below and any state or local requirements. Mark each statement as A for approved or D for deficient. Property must meet all standards in order to be approved.

- ___ i. Structure and materials: The structures must be 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.
- ___ ii. Access: The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.
- ___ iii. 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.
- ___ iv. Interior air quality: Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.
- ___ v. Water Supply: The water supply must be free from contamination at levels that threaten the health of individuals.
- ___ vi. Thermal environment: The housing must have adequate heating and/or cooling facilities in proper operating condition.
- ___ vii. Illumination and electricity: The housing 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.
- ___ viii. 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.
- ___ ix. Sanitary Conditions: The housing and any equipment must be maintained in sanitary condition.
- ___ x. Lead-based paint: If the structure was built prior to 1978, and a child under the age of six or a pregnant woman will reside in the property, and the property has a defective paint surface inside or outside the structure, the property 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. If a child under age six residing in the HOPWA-assisted property 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 Part 35.
Note the following to assist in determining if unit can be approved or is deficient: Date built/rehabbed ___; Children under 6 present ___; Pregnant woman ___; LBP brochure provided to household and signature of receipt on file ___.
- ___ xi. Smoke detectors: The HOPWA program must comply with the Fire Administration Authorization Act of 1992 (P.L. 102-522). Smoke detectors must be installed in accordance with NFPA 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.

(Source: U.S. Department of Housing and Urban Development: 24 CFR Part 574, B574.310 (b), B882.404(c)(3); and CPD-94-05.)

CERTIFICATION STATEMENT

I certify that I am not a HUD certified inspector and I have evaluated the property located at the address below to the best of my ability and find the following:

_____ The property meets all of the above standards _____ The property does not meet all of the above standards.

_____ The property is Rent Reasonable _____ The property is not Rent Reasonable

Therefore, I make the following determination: _____ The property is approved. _____ The property is not approved.

Case Name _____

Street Address _____

Apartment # City State Zip

Evaluator's Signature: _____ Date: _____

Please Print. Name: _____ CBO Exec. Dir. Initial _____

**FLORIDA STATE HOPWA PROGRAM
TERMINATION OF ASSISTANCE LETTER SAMPLE**

(Insert Name)
(Insert Address)
(Insert City, State, Zip Code)

Subject: NOTICE OF TERMINATION OF ASSISTANCE

Dear **(insert Ms./Mr. Last Name)**:

You are being terminated from the Florida State HOPWA TBRA Program effective **(insert date)**. A copy of this letter is provided to your landlord, and serves as notice of cancellation of Housing Assistance Payments on **(insert date)**. If you remain in your current unit after that date, you will be responsible for the total amount of rent due.

If you feel you should not be terminated from rental assistance, you have a right to discuss this with me. Please contact me at **(insert phone/e-mail)** to set up an appointment.

If you have questions, please call me at **(insert phone)**. Thank you for your cooperation.

Sincerely,

Participant Conference/ Termination Checklist

Family Name _____ Agency Name _____

<p><i>Please have participant acknowledge each action with their initials and date.</i></p> <p><input type="checkbox"/> Step 1: Participant Conference #1 at Agency</p> <p style="text-align: center;">_____ _____ Participant Initials Date</p> <p><input type="checkbox"/> Step 2: Participant Conference #2 at Agency</p> <p style="text-align: center;">_____ _____ Participant Initials Date</p> <p><input type="checkbox"/> Step 3: Final Participant Conference at Agency</p> <p style="text-align: center;">_____ _____ Participant Initials Date</p> <p><input type="checkbox"/> Step 4: Final Violation (Timeline entered into Elite, and all termination documentation sent to DOH for review)</p>	<p>-OR- steps do not apply due to:</p> <p><input type="checkbox"/> Legal Eviction</p> <p><input type="checkbox"/> Voucher Expired</p> <p><input type="checkbox"/> Deceased</p> <p><input type="checkbox"/> Relinquishment</p> <p><input type="checkbox"/> Other _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	---

Summary of Termination Request (include forwarding address for termination letter):

For DOH Use Only

Termination Review Outcome: _____

Proceed with Termination Other _____
 Need more documentation/info Schedule additional participant conference

Notes: _____

Authorized Signature _____ Date _____



HOPWA

Reporting Requirements for Programs Funded by the U.S. Department of Housing and Urban Development

The data provided in the required reports are used to satisfy state and federal reporting requirements as well as for management analysis, planning, and resource allocation. It is imperative that data is accurate and provided within the specified timeframes.

2016-2017

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

REPORTING REQUIREMENTS 2016-2017

HOPWA project sponsors are required to submit the following reports. These reports are used for federal and state reporting and program planning. It is extremely important that these reports be accurate and submitted on time.

1. HOPWA Monthly Expenditure and Reimbursement Report (AIMS submission)

Project sponsors are required to submit a **Monthly Expenditure and Reimbursement Report** through the AIDS Information Management System 2.0 (AIMS 2.0). The expenditure report captures the number of clients served, the number of units of service provided, and the amount of expenditure by service categories during the month being reported. In order to maintain common reporting data elements across programs, the Department of Health (DOH) may update the report format. The reports must be submitted in AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice. Further, the AIMS format is the only format that may be submitted as an invoice to contract managers for approval and to the DOH Disbursements Section for payment.

2. HOPWA Monthly Demographic Report (AIMS submission)

Project sponsors are required to submit the HOPWA Monthly Demographic Report, which captures demographic information for clients served with HOPWA funds for first time this year (or FTTY). The client should only be counted once per fiscal year. Enter the total unduplicated clients served in the month being reported by gender and HIV status. For example, once you report a client in April, he or she will not be counted again until the new fiscal year, which begins the following April. In order to maintain common reporting data elements across programs, the department may update the report format. The report must be submitted through AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice.

3. HOPWA Client Satisfaction Survey Summary Report

Project sponsors must implement a client satisfaction survey and submit a written summary of the survey results to their DOH contract manager by February 20, each year of this contract. The survey instrument and summary format can be developed at the local level; however, review *Exhibit A* within this document as a template that you may modify to meet your needs. It is advisable that contract managers maintain a final copy on file for monitoring by state and/or federal agencies.

HOPWA CLIENT SATISFACTION SURVEY

Agency Name: _____

Date: _____

1. How long have you been a client of this agency?
 Less than 1 year 1 to 2 years 3 to 5 years More than 5 years
2. What type of HOPWA assistance have you received in the past 12 months? (Check all that apply)
 Rent Mortgage Utility Security deposit Transitional Housing
3. For each month of assistance used, what event or circumstance led to the need for HOPWA assistance? (Check all that apply).
 Lost wages due to being too ill to work Unexpected medical expenses
 Moved to stable, affordable housing Income too low to afford housing
 Waiting on disability determination Left unsafe living situation
 Other: _____
4. Number of days you were homeless during the past 12 months? _____
5. Number of residences you were living in during the past 12 months? _____
6. How would you describe your overall health today? Excellent Good Fair Poor
7. What is your current living situation?
 Own home Live with family/friend without rent
 Rent alone Live with and rent from family/friend
 Rent with family/partner Rent with roommate (not family/partner)
 Other: _____
8. Have you and your case manager developed a housing plan that will result in a stable housing situation independent of future HOPWA assistance?
 Yes No Not Sure
9. Have you and your case manager discussed emergency preparedness?
 Yes No Not Sure
10. Are you able to contact your case manager quick enough to meet your needs?
 All the time Most times Sometimes Rarely Never Does not apply
11. Is your case manager responsible and professional?
 All the time Most times Sometimes Rarely Never Does not apply
12. Overall, are you satisfied with the HOPWA services you have received in the past 6 months?
 All the time Most times Sometimes Rarely Never Does not apply
13. Has the HOPWA program met your housing assistance needs?
 All the time Most times Sometimes Rarely Never Does not apply

About You

14. Your gender is Male Female Transgender
15. Your race/ethnicity is White Black Asian Other
16. Are you Hispanic? Yes No
17. How old are you? Under 20 20-39 40-49 50-59 60-69 70+
18. You have completed this survey by yourself with help from agency staff with other help

4. HOPWA Case Management File Review Summary Report

Project sponsors are required to conduct monthly case management file reviews, and submit a written report of the results to their DOH contract manager within 20 days of the end of each month, but no later than submission of the monthly invoice. The review will include a minimum of 5% of the HOPWA case management files. The summary format can be developed at the local level; however, *Exhibit B* provides the minimum requirements to be included in the file review. It is advisable that contract managers maintain a final copy on file for monitoring by state and/or federal agencies.

5. HOPWA Annual Progress Report

This report is a U.S. Department of Housing and Urban Development (HUD) requirement. Information collected and reported in the HOPWA Annual Progress Report (APR) should represent the activities that were carried out with HOPWA funds during the reporting year. It captures information on all persons who received housing assistance, including the number of adults and children with HIV/AIDS and their families (i.e., the client and other persons in the household). Project sponsors are encouraged to develop a tracking tool in which to collect this data and submit it in the approved format.

For the reporting year of July 1, 2016 – June 30, 2017, project sponsors are required to submit a paper copy of the APR as they have done in the past (currently electronic submission is not available). The two hyperlinks listed are HUD's approved format with an expiration date of October 31, 2017 (all other versions are obsolete).

*HOPWA Annual Progress Report (APR): **Annotated** Form HUD-40110-C (DOCX)*

HOPWA Annual Progress Report (APR): Form HUD-40110-C (DOCX)

The APR is due to the Florida DOH, Division of Disease Control and Health Protection, HIV/AIDS Section, Patient Care Reporting Program, within forty-five (45) days following the end of each contract year, but no later than submission of the June invoice. The Consolidated Annual Progress Report (CAPER) for HOPWA is submitted by DOH to HUD no later than ninety (90) days after the end of the state fiscal year.

**STATE HOPWA PROGRAM
CASE MANAGEMENT FILE REVIEW WORKSHEET**

Exhibit B

		Y	N	N/A	COMMENTS
1	Client ID #				
2	Checklist				
3	Notice Of Eligibility				
4	Signed Non-Registered Sex Offender Statement				
5	Signed Participation Agreement				
6	Completed Application Form for Housing Assistance				
7	Verification of 80% Median Income				
8	Verification of No Income				
9	Client Needs Assessment for Assistance				
10	Signed Participant Rights and Responsibilities				
11	Signed Consent to Release Information				
12	Client Budget Worksheet				
13	Signed Housing Plan of Care, which includes: • Goals and target dates • Progress and dates • Accomplished goals and completion dates				
14	Housing Plan of Care updated monthly to reflect progress				
15	Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment				
16	Completed Landlord Agreement (rent only)				
17	Mortgage statement/Coupon				
18	Utility statement				
19	Short-Term Rent/Mortgage does not exceed 21 weeks in a 52 week period				
20	Short-Term Utility assistance does not exceed 21 weeks in a 52 week period				
21	Completed Security Deposit Agreement (PHP)				
22	Completed Client Agreement for Return of Security Deposit (PHP)				
23	PHP does not exceed 2 months of rent costs, including security deposits and fees for credit checks				
24	Transitional Housing does not exceed 60 days in 6 months				
25	File includes Client Housing and Support Service Payment Assistance Worksheet				
26	Signed Memorandum of Understanding for Confidentiality of Client Information (Case Manager signs)				
27	Comprehensive case notes are sufficient to document each encounter with client, and mirror the Plan of Care				
28	File is maintained in an organized and orderly fashion				

**Service(s)
Provided**

STRMU – Rent	STRMU – Mortgage	STRMU – Utility	Support Service – Permanent Housing Placement (PHP)	Support Service – Transitional Housing	Tenant-Based Rental Assistance (TBRA)	Other

Instructions for the HOPWA Monthly Expenditure and Reimbursement Report

The Monthly Expenditure and Reimbursement Report must be submitted through AIMS. It reports the monthly service expenditures and program provision information for clients receiving services provided through the HOPWA program. The reports must be submitted through AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice. The AIMS format is the only format that may be submitted to contract managers for approval, and the only format that may be submitted to the DOH Disbursements Section for payment. For example, the report for services provided during the period of July 1, 2016, to July 31, 2017, is due on or before August 20, 2017.

An example of an AIMS generated report is provided for information only (*Exhibit C*). AIMS produced invoices are to be used as the monthly invoice submitted through My Florida Market Place (MFMP) for reimbursement. AIMS produced invoices **MUST** contain the advance/reductions information called for in Section C of the invoice if applicable.

Project sponsors that receive notification that a request for reimbursement has been paid for any amount other than that was originally requested on the AIMS invoice **MUST** immediately notify their contract manager. AIMS users, as appointed by their employers, are responsible for working with the Reporting Program to bring the AIMS and MFMP records into agreement.

Please Note: County health departments serving as HOPWA project sponsors do not have to submit invoices for payment to MFMP.

Tallahassee Network

44 S. Bradley Street

Department of Health

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Monthly Expenditure & Reimbursement Report

Month: July 2008

ORG:

Contract #: COTN5 0809

OCA:

EO:

A. ADMINISTRATION

	Original Amount	Amended Amount			Expenditures this Report	Expenditures Year-To-Date	Contract Balance
1. Salaries	12,334.00	12,334.00	0.00	0	1,027.83	1,027.83	11,306.17
2. Fringe Benefits	1,666.00	1,666.00	0.00	0	138.83	138.83	1,527.17
3. Travel	0.00	0.00	0.00	0	0.00	0.00	0.00
4. Office Expense	0.00	0.00	0.00	0	0.00	0.00	0.00
5. Equipment	0.00	0.00	0.00	0	0.00	0.00	0.00
6. Other (Specify)	0.00	0.00	0.00	0	0.00	0.00	0.00
Subtotal Administration	14,000.00	14,000.00	0.00	0	1,166.66	1,166.66	12,833.34

B. DIRECT CARE

	Original Amount	Amended Amount	Units of	# of Clients	Expenditures this Report	Expenditures Year-To-Date	Contract Balance
1. Housing Case Management	37,200.00	37,200.00	0.80	26	3,100.00	3,100.00	34,100.00
2. Permanent Housing Placement	9,500.00	9,500.00	0.00	0	0.00	0.00	9,500.00
3. Other (Specify)	0.00	0.00	0.00	0	0.00	0.00	0.00
Subtotal Support Services	46,700.00	46,700.00	0.80	26	3,100.00	3,100.00	43,600.00
4. Rent	60,000.00	60,000.00	7.00	4	614.00	614.00	59,386.00
5. Mortgage	15,000.00	15,000.00	3.00	3	1,039.00	1,039.00	13,961.00
6. Utilities	50,000.00	50,000.00	11.00	10	996.24	996.24	49,003.76
Subtotal STRMU	125,000.00	125,000.00	21.00	17	2,649.24	2,649.24	122,350.76
7. Resource Identification	9,300.00	9,300.00	0.00	0	775.00	775.00	8,525.00
8. Transitional Housing	5,000.00	5,000.00	0.00	0	0.00	0.00	5,000.00
Subtotal Direct Care	186,000.00	186,000.00	21.80	43	6,524.24	6,524.24	179,475.76
TOTAL SECTIONS A, B	200,000.00	200,000.00	21.80	43	7,690.90	7,690.90	192,309.10

Provider Agency Name & Address

Tallahassee Network
 44 S. Bradley Street

Department of Health

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
 Monthly Expenditure & Reimbursement Report

Month: July 2008

ORG:

Contract #: COTN5 0809

OCA:

EO:

C. ADVANCE(S) INFORMATION

Total Advances	0.00
Previous Reductions	0.00
Current Reductions	0.00
Remaining Advances	0.00

Total Contract Amount	200,000.00
Minus Expenditures Y-T-D	7,690.90
Minus UNPAID Advances	0.00
Balance to Draw	192,309.10

Total Expenditures this period: 7,690.90

Type of Request: Regular

Less Advance Payback this period: 0.00

AMOUNT OF FUNDS REQUESTED THIS REPORT: 7,690.90

I certify that the above report is a true, accurate, and correct reflection of the activities this period; and that the expenditures reported

are made only for items which are allowable and directly related to the purpose of this referenced contract.

Signature & Title of Provider Agency Official

Date

Contract Manager Signature

Date

Contract Manager's Supervisor Signature

Date

Instructions for the HOPWA Monthly Demographic Report (FTTY)

HOPWA project sponsors must submit the Monthly Demographic Report through AIMS within 20 days of the end of each month, but no later than submission of the monthly invoice. This report captures demographic information to meet federal reporting requirements; therefore, it is extremely important that the report be accurate and timely. An example of AIMS output of the HOPWA Monthly Demographic Report is provided for information only (*Exhibit D*).

Demographic Categories

Enter the total number of unduplicated clients served in the month being reported by gender and HIV status for *Total*, *Ethnicity*, and *Race*.

Bear in mind that HIV (-) or affected persons are eligible for an extremely few number of services in special situations, so the vast majority of persons served should be HIV (+). HIV (-) affected persons who receive services must have a documented tie to a specific HIV (+) client currently receiving services. Clients self disclose their gender.

HIV/AIDS Status

1. AIDS means the client has advanced to and been diagnosed with CDC defined AIDS.*
2. HIV (+), not AIDS, means the client has tested positive for and been diagnosed with HIV, but has not advanced to AIDS.
3. HIV (-) means a client who is not HIV (+). Refer to policy on provision of services to persons who are not HIV (+).

*1993 Revised Classification System for HIV Infection, and Expanded Surveillance Case Definition for AIDS Among Adolescents and Adults [MMWR: December 18, 1992/41(RR-17)].

Total

Unduplicated Clients “FTTY” (First Time This Year)

A client is **ONLY** counted the first time they present for services in a contract year. That client is not counted again for any additional visits in a contract year.

For example, 60 clients present for HOPWA services in the month of July. All 60 will be counted as unduplicated clients in the July demographic report. In August, 70 clients present for HOPWA services in which 60 of those clients are the same clients from July; therefore, they will not be counted again during the contract year. The 10 remaining clients have not been seen before during the contract year, so the August demographic report will show 10

unduplicated clients. The count will reset at the start of the next contract year; as a result, all 70 clients from August would be considered FTTY clients the first time they present for services in the following contract period.

WICY

The WICY report is not relevant to HOPWA; therefore, HOPWA AIMS users should ignore this section.

Ethnicity

1. *Hispanic*, or Latino(a), is a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
2. *Non-Hispanic* is a self-populating field, and does not require data entry.

Race

1. *White* (non-Hispanic) is a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
2. *Black*, or African American (non-Hispanic) is a person having origins in any of the black racial groups of Africa.
3. *Asian* is a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
4. *Other* is a self-populating field, and does not require data entry.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
Demographic Report

All Regions
July 2008

Report generated on 02/25/2008

DESCRIPTION	MALE			FEMALE			TOTAL
	AIDS	HIV+ not AIDS	HIV-	AIDS	HIV+ not AIDS	HIV-	
TOTAL							
Unduplicated clients	20	5	0	35	48	0	108
WICY							
WICY reportable	0	0	0	0	0	0	0
ETHNICITY							
Hispanic	15	3	0	22	18	0	58
Non-Hispanic	5	2	0	13	30	0	50
RACE							
White	7	0	0	12	22	0	41
Black	8	0	0	20	9	0	37
Asian	1	3	0	2	10	0	16
Other	4	2	0	1	7	0	14

HOPWA PERFORMANCE CHART

Provider Name: _____ **Contract #:** _____ **Amendment #:** _____

Instructions: Please enter the “Planned Goal” for all activities to be performed during the contract period in the following chart (planned non-duplicated number of households to be assisted with HOPWA funds and with non-HOPWA funds). Output performance is measured by the number of households that were supported with HOPWA or other federal, state, local and private funds for the purpose of providing housing assistance to persons living with HIV/AIDS and their families. **Actual accomplishments are to be reported to the Department using this attachment. Columns (2) and (4) labeled “Actual” must be completed and submitted to the contract manager for submission to the Department for receipt by July 20, 2017.**

		Outputs Households			
		HOPWA Assistance		Non-HOPWA	
HOPWA Performance Chart Planned Goal and Actual Accomplishments		Planned Goal (1)	Actual (2)	Planned Goal (3)	Actual (4)
1.	Short-Term Rent, Mortgage and Utility payments (The planned goal MUST AGREE with estimated number of households)				
2a.	Housing Case Management as a Supportive Service <i>(provided by project sponsors also delivering HOPWA housing assistance)</i>				
2b.	Housing Case Management as a Supportive Service <i>(provided by project sponsors serving households who have other housing arrangements)</i>				
3.	Housing Information Services <i>(Information only, i.e., housing counseling, referral services, etc.)</i>				
4.	Permanent Housing Placement Services				
5.	Short-Term Supported Housing Facilities <i>(Transitional Housing)</i>				
6.	Long-Term Tenant-Based Rental Assistance (The planned goal MUST AGREE with estimated number of households)				
7a.	Other Supportive Services <i>(i.e., transportation, nutritional services, etc., provided by project sponsors also delivering HOPWA housing assistance)</i>				
7b.	Other Supportive Services <i>(i.e., transportation, nutritional services, etc., provided by project sponsors serving households who have other housing arrangements)</i>				

PLANNED LEVERAGED NON-HOPWA FUNDS

(Other federal, state, local, & private funds planned to be used in conjunction with HOPWA funds)*

Provider Name: _____ **Contract #:** _____ **Amendment #:** _____

The state must illustrate plans to obtain and use other public and private resources to address the critical housing needs of persons living with HIV/AIDS. Therefore, the information requested below must be provided in order for the state to continue to receive a HOPWA grant award from the Department of Housing and Urban Development (HUD).

On the chart below, enter the planned (estimated) dollar amount for each non-HOPWA public and private funding source to be used for the purpose of providing HOPWA housing activities to persons living with HIV/AIDS. HOPWA housing activities include any eligible activity listed in 574.300, including paragraphs (1) through (10). Paragraph (7) of this section details all qualifying supportive services.

Other resources (non-HOPWA leveraged resources) to be used in conjunction with HOPWA funds refers to cash resources separate from the HOPWA contract award, and may include cash and in-kind contributions such as the value of services or materials provided by volunteers or by other individuals or organizations. The organizations may include but are not limited to: Housing Choice Vouchers (Section 8), Public Housing Authority units, Supportive Housing for Persons with Disabilities/Elderly, Ryan White HIV/AIDS Treatment Modernization Act programs and other federal programs, state funds, local government funds and private philanthropy. **The "Actual Amount" column must be completed and forwarded to the contract manager for submission to the Department for receipt by July 20, 2017.**

	NON-HOPWA Funding Sources	Leveraged Funds for HOPWA Housing Activities	
		Planned Amount	Actual Amount
	List Name of Other Resources (Federal, State, Local, Private)		
1.		\$	\$
2.		\$	\$
3.		\$	\$
4.		\$	\$
5.		\$	\$
6.		\$	\$

Please enter "N/A" in the box only if the information requested on the chart above is not applicable to this Contract.

IF YOU ENTERED N/A ABOVE, you must briefly describe/explain in the box provided below your agency's plans to obtain other resources to be used in conjunction with HOPWA funds to address the housing needs of low-income persons living with HIV/AIDS in the consortium area:

*Note: Match is not required, however, the Department must report to HUD plans and progress in obtaining "other" public and private resources to address housing needs identified in the state plan.