



Housing Opportunities for Persons with AIDS/HIV (HOPWA) State of Iowa Program Manual

Iowa Finance Authority

Updated April 2020

State of Iowa HOPWA Program Manual

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SECTION 1 – INTRODUCTION & OVERVIEW

This guide is intended to provide information to HOPWA Project Sponsors in the State of Iowa about the administration of the Housing Opportunities for Persons with AIDS (HOPWA) program. It includes guidance on eligible activities, program requirements, reporting, financial management, and more.

The HOPWA program is authorized by the U.S. Congress and managed at the federal level by the U.S. Department of Housing and Urban Development (HUD). The goal of HOPWA is to assist clients in achieving and maintaining housing stability so as to avoid/reduce homelessness and improve their access to, and engagement in, HIV care and treatment. HOPWA is designed to promote client housing stability and act as a bridge to long-term assistance programs when possible. Participation in HOPWA is voluntary and conditional. HOPWA is needs-based and is not an entitlement program.

The Iowa Finance Authority reserves the right to amend, alter, or grant incidental exceptions to all policies outlined when allowable. The guide is not intended to cover all requirements of the program, and is not intended to serve as a legal document. The federal program regulations should be viewed as the final authority on all matters.

Contact Information

Program Management:

Iowa Finance Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa 50315
Phone: (515) 725-4900
Fax: (515) 725-4901

HMIS Data Collection and Reporting:

Institute for Community Alliances
1111 9th St., Suite 380
Des Moines, Iowa
(515) 246-6643

HUD:

Questions may be asked of HUD directly at the HUD Exchange help desk: <https://www.hudexchange.info/get-assistance/my-question/>.

SECTION 2 – PURPOSE, FEDERAL ADMINISTRATION, AND OVERVIEW

The Housing Opportunities for Persons with AIDS (HOPWA) program provides housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families to establish or better maintain a stable living environment in housing that is decent, safe, and sanitary, to reduce the risk of homelessness, and to improve access to health care. Since the program's inception in 1992, HOPWA has

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helped thousands of Americans with HIV/AIDS avoid homelessness and access medical and other care by addressing their housing needs.

Clients receive the support of a Housing Coordinator/Case Manager, whose primary responsibilities are to assess initial eligibility, provide housing information and referrals to community-based housing resources, coordinate housing planning activities with clients, enroll clients into the program and conduct periodic certifications, provide assistance to clients in understanding and completing leases and housing applications, and serve as a liaison between the client and landlord in lease negotiations and in cases where there are disputes. The Housing Coordinator also serves as a partner with the client and HIV case manager to ensure access to care and treatment services.

Clients may be considered eligible for HOPWA assistance, if they demonstrate through verifiable documentation that:

1. The applicant has received a medical diagnosis of HIV or AIDS as defined by Centers for Disease Control (CDC).
2. The applicant's household income does not exceed 80% of the median family income for the county or residence as determined by HUD annually.

Additional requirements may apply for certain types of assistance.

A general HUD HOPWA Fact Sheet is available here: <https://www.hudexchange.info/resource/1169/hopwa-fact-sheet/>.

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. More information may be found here:

<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 eligibility, housing quality standards, standards regarding resident rent payments, administrative, and record keeping requirements as provided under the United States Housing Act of 1937. The full regulations may be found here:

<https://www.hudexchange.info/resource/2936/24-cfr-part-574-housing-opportunities-for-persons-with-aids/>.

HUD CPD Notices

HUD Community Planning and Development (CPD) Notices provide detailed guidance on a specific subject. HOPWA CPD Notices explain how the HOPWA program regulations should be interpreted or applied. These notices may be found here: <https://www.hudexchange.info/programs/hopwa/hopwa-cpd-notices/>.

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Federal Grant Management Requirements:

2 CFR 200 “Super-Circular”: In 2015, the OMB replaced a number of previous Circulars with the new “Super-Circular,” 2 CFR 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The full text can be found here: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. The requirements cover the management of federal grant awards.

Required Registrations

Grantees, Project Sponsors and sub-recipients of federal funding are required to possess and report certain tax and business reporting numbers as required by federal agencies (ex HUD for HOPWA funding):

- **The OneCPD Resource Exchange: Tax ID Numbers (TINs) and Employer ID Numbers (EINs)** are used by the Internal Revenue Service (IRS) in the administration of tax laws and for the purpose of identifying personal entities. TIN or EIN numbers are required to be reported in the program year-end Consolidated Annual Performance and Evaluation Report (CAPER) for all HOPWA grantees, Project Sponsors and sub-recipients. For more information go to: <http://www.irs.gov/businesses/small/international/article/0,,id=96696,00.html>.
- **DUN and Bradstreet Numbers (D&B or DUNS)** have been adopted by the Office of Management and Budget (OMB) as one way to keep track of how federal grant money is dispersed. DUNS stands for "data universal numbering system, and consist of nine digits. There is no charge for obtaining D&B numbers and for more information go to: <http://fedgov.dnb.com/webform>.
- **System for Award Management (SAM)** (formerly the Central Contractor Registry or CCR) is the primary registrant database for the U.S. Federal Government. The database collects, validates, stores, and disseminates data in support of federal agency contracts and assistance awards. Both current and potential federal government registrants are required to register in SAM in order to be awarded contracts by the federal government. Registrants must update or renew their registration at least once per year to maintain an active status. For more information go to: <https://www.sam.gov/portal/SAM/#1>.

Required Federal Trainings: At Least Once Every Three Years

- **HUD HOPWA Financial Management Online Training.** All Project Sponsors are required to have at least one of its current employees obtain a certificate of completion every three years for HUD’s HOPWA Financial Management Online Training, available here: <https://www.onecpd.info/training-events/courses/hud-hopwa-financial-management-online-training/https://www.hudexchange.info/training-events/courses/hud-hopwa-financial-management-online-training/>.
- **Federal “Getting To Work” Training.** All Project Sponsors are required to have at least one of its current employees obtain a certificate of completion for HUD’s and the U.S. Department of Labor’s training every three years, “Getting to Work: A Training Curriculum for HIV/AIDS Service Providers and Housing Providers,” available here: <https://www.hudexchange.info/training-events/dol-hud-getting-to-work-curriculum-for-hiv-aids-providers/>.
- **HUD “HOPWA Oversight” Training.** All Project Sponsors are required to have at least one of its current employees obtain a certificate of completion every three years for HUD’s training, “HOPWA

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Oversight Training,” available at: <https://www.hudexchange.info/trainings/hopwa-oversight-training/>.

Other HOPWA Guidance

HUD HOPWA Guides, Tools, and Webinars provide additional assistance in designing and implementing HOPWA programs. These may be found here: <https://www.hudexchange.info/programs/hopwa/guides/>.

Highlights include:

- **HOPWA Rental Assistance Guidebook:**

This guide provides HOPWA grantees and Project Sponsors with the tools and reference materials for operating programs that use rental assistance payments to provide housing support to beneficiaries.

- **HOPWA Confidentiality User Guide:**

This guide provides information on maintaining confidentiality for HOPWA providers of all types, including program administrators, managers, front-line staff, and monitors.

- **HOPWA Financial Management Training Manual:**

This training manual is designed for HOPWA grantees and projects sponsors, and more specifically, their program and financial staff. While this training manual includes a lot of information about Federal financial management requirements, the ultimate focus is to provide participants with useful, practical tools regarding the financial management process.

- **HOPWA Grantee Oversight Resource Guide:**

This resource guide provides HOPWA formula and competitive grantees with detailed guidance in fulfilling HOPWA grants management responsibilities regarding the oversight of Project Sponsors. This guidance is a tool to be used by grantees in navigating the 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.

- **HOPWA Program Administration Toolkit:**

These resources are designed to help agencies that receive HOPWA funding comply with applicable laws and regulations and administer programs more efficiently and effectively. The toolkit includes a number of useful client file forms and templates.

SECTION 3 – HOPWA ADMINISTRATION IN THE STATE OF IOWA

State Of Iowa HOPWA Service Areas

The formula grantee for the State of Iowa is the Iowa Finance Authority. The Iowa Finance Authority annually distributes funds to five HOPWA Project Sponsors. These five Project Sponsors are located in geographic locations in the state that provide services to all ninety-nine counties of Iowa. The Iowa HOPWA Project Sponsors are:

- 1) Primary Health Care in Des Moines, Iowa;
- 2) Siouxland Community Health Center DBA Ruby Slippers Project in Sioux City, Iowa;

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- 3) Cedar Valley Hospice DBA Cedar AIDS Support System in Waterloo, Iowa;
- 4) The University of Iowa in Iowa City, Iowa; and
- 5) The Project of the Quad Cities in Moline, Illinois/Davenport, Iowa.

Information and HOPWA program management resources from the Iowa Finance Authority are available online here: <http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/56>.

Administrative Expenses

- Each Project Sponsor receiving amounts from grants made under this program may use not more than seven (7) percent of the amounts received for administrative costs.

NOTE: *Fee Prohibition.* HOPWA Regulation 24 CFR 574.430 prohibits grantees or Project Sponsors from charging fees for any housing or services to program participants. This refers to charging fees for services normally provided as part of the program design. Fees that may be charged are one-time charges by landlords for credit and rental history checks for housing applicants, and fees for family pets (not service animals). Additionally, programs may charge fees for activities such as additional meals or recreational activities (ex. movies or community events) in a program IF they are not mandatory – that is optional for clients to participate.

Monitoring

Ultimately, the grantee is responsible for all project activities and Project Sponsors funded with HOPWA, as well as for ensuring that Project Sponsors carry out activities in compliance with all applicable requirements. Effective management and oversight is a collaborative process among the grantee, Project Sponsor, and HUD.

There are two types of monitoring: desk monitoring, where financial and other information is reviewed remotely, and on-site monitoring visits. Desk monitoring and/or on-site monitoring may be scheduled at any time to ensure compliance.

Before an announced, on-site monitoring visit, Iowa Finance Authority staff may request certain documents to review in advance. Documents may include: most recent financial audit with management letter, budget, balance sheet, job descriptions of key employees of the organization (i.e. Program Coordinator, Case Manager, Executive Director, Financial Manager), organizational chart, cash flow chart, income statement, program financial/draw records, accounting manual, board minutes, and other documentation deemed necessary.

When scheduled, representatives of the Iowa Finance Authority will arrive to perform an on-site monitoring visit. Upon their arrival, an appropriate space must be provided by the Project Sponsors that allows for review of confidential client files, interviews with agency staff, and review of any documentation that was not provided prior to the visit. After an on-site monitoring visit, Project Sponsors will receive a written letter detailing the results of the visit.

Desk monitoring takes place remotely, and generally on an ongoing basis. Iowa Finance Authority staff review detailed records with each request for financial reimbursement. This includes documentation of all expenditures claimed for the period. In most cases, it also includes client file information, including complete information for all new clients, and abbreviated information for assistance provided in subsequent months for existing clients.

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Monitoring has these goals:

1. *Ensure accountability;*
2. *Ensure effective and efficient use of resources;*
3. *Help assess response to community needs.*

Resources

Current monitoring forms and the client file review checklist used by the Iowa Finance Authority may be found at: <http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/56>

Conference Calls

Periodic conference calls may be scheduled by the Iowa Finance Authority (typically quarterly). At least one representative from each Project Sponsor is expected to participate.

SECTION 4 – GENERAL PROGRAM REQUIREMENTS

Violence Against Women Act (VAWA)

Sponsors must follow applicable federal rules related to VAWA. This includes ensuring a survivor is not denied assistance as an applicant, or evicted or has assistance terminated as a tenant, because such applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Additional protections include:

- **VAWA Notice and Certification:** Sponsors must provide the notice and certification form described under 24 CFR 5.2005(a)(1) to each applicant for TBRA and each program participant receiving TBRA at the following times: when an applicant is denied TBRA; when an applicant begins receiving TBRA; when a program participant is notified of termination of TBRA; and when a program participant received notification of eviction.
- **VAWA Emergency Transfer Plan.** Sponsors must develop and implement an emergency transfer plan according to 24 CFR 5.2005-€which allows a survivor to move to another safe and available unit if such survivor is in fear of imminent harm from further violence if remaining in current unit. The plan must specify what will happen in case of a family separation, implementing an emergency transfer, and must provide for bifurcation of a lease with continued assistance for the family member(s) who are not evicted or removed.

Fair Housing and Equal Opportunity

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. Federal laws include:

- ***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

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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.

Iowa state law has additional provisions for Fair Housing. Information from the Iowa Civil Rights Commission is available here: <https://icrc.iowa.gov/your-rights/protected-areas/housing>. The Iowa Fair Housing poster is available here: <https://icrc.iowa.gov/publications/2015-posters>.

Reasonable Accommodation

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 eligibility 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 RA 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 RA 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

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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 Absences 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.

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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

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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.

Agency Policies and Informing Clients of Confidentiality Rights

Federal and State laws that relate to the protection of protected health information include, but are not limited to, the privacy provisions of the Health Insurance Portability and Accountability Act (HIPAA). HOPWA confidentiality requirements are set forth under the HUD regulations, 24 CFR 574.440. Client names, unique personal identifying codes and other individual information on documents must be kept confidential, as required by the HOPWA regulations.

Project Sponsors are required to have written confidentiality policies and to assure confidentiality of client names, information, and records as it relates to his or her HIV-status, AIDS diagnosis, general medical history, mental health and/or substance use history. The 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 state and federal laws
- Privacy standards related to data collection and use of participant information for program reporting, such as HMIS

Access to client records should always be restricted to HOPWA program staff with the "need to know" in the present time, knowledge of the client's HIV status is permitted through a release of information, and if the employee or agent must have access to the client's information in order to properly perform their normal job functions.

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Written policies should inform clients about their rights to confidentiality, and disclose that all information contained in their file is confidential; employees or program funders with access to information about the client are bound by confidentiality guidelines and will not disclose this information without prior written consent.

Release of Information

All information obtained in connection with the examination, care, or services provided to any client shall not be disclosed without the client's signed consent. Prior to exchanging information with any other agency or entity, HOPWA Project Sponsors must first secure a specific signed release of information identifying particular individuals or organizations. General blanket releases are not allowed, and Project Sponsors should update the release on file in accordance with local Ryan White or case management standards, but at least annually. In the absence of specific written authorization, no information identifying an individual's HIV status may be disclosed by the HOPWA Project Sponsor to ANY individual or organization. An original signed and dated copy must be maintained in the client file.

Clients have the right to give consent freely and voluntarily; however, the client should be informed that HOPWA assistance is contingent upon the consent to the disclosure of his or her HIV/AIDS status and household income to the case manager.

Secure Communications

Particular care must be taken to assure confidentiality by having the Project Sponsor's correspondence, envelopes, and checks to landlords, utilities, etc., not reveal that the client is receiving assistance due to HIV/AIDS. This can be accomplished by establishing a checking account for the provision of HOPWA assistance using a neutral account name such as "Housing Fund" or "Assistance Fund." No material which directly discloses a client's name and HIV/AIDS status, or indirectly by identifying the client as a HOPWA applicant or client, should be transmitted by email unless the client expressly consents to such a transmission, and fax transmissions of information should be allowed by using a confidential fax machine only. Personal client concerns or situations should never be discussed where other persons might overhear the conversation (i.e. public areas).

Storage of Client Records

Client records must be stored in a locked drawer or cabinet and maintained in a central, secure area with controlled access; including during working hours. A client file, or materials intended for a client's case record, must never be left on a desk, even with the door locked, when there is no authorized staff person present. Personal client concerns should never be discussed where other persons might overhear the conversation (i.e. public areas). Agencies must create and maintain policies about creating unique identifiers, rather than utilizing client names, and specific policies for case managers removing client files from the office during home visits to ensure that records are not lost, and that they are maintained securely. Records must be stored for at least five years.

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.

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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.

SECTION 5 – DATA COLLECTION & REPORTING REQUIREMENTS

Data Collection

HOPWA Project Sponsors are required to submit client data in Iowa’s approved Homeless Management Information System (HMIS). HUD describes the HMIS system as follows:

“A Homeless Management Information System (HMIS) is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Each Continuum of Care is responsible for selecting an HMIS software solution that complies with HUD's data collection, management, and reporting standards.” Detailed information from HUD is available here: <https://www.hudexchange.info/programs/hmis/>.

The Institute for Community Alliances (ICA) manages the HMIS system in Iowa and provides training and support for all users of the system, to ensure data collection that is as complete and accurate as possible.

Reporting

Requires HOPWA reports include:

- **HOPWA Consolidated Annual Performance and Evaluation Report (CAPER):** This is a federally-required report, and is the main method HUD uses to obtain essential information on grant activities, Project Sponsors, housing sites, units and households, and beneficiaries. The process in Iowa typically includes the following:
 - *Client data:* Aggregate client data is pulled by the Institute for Community Alliances (ICA) from the HMIS system to answer some questions regarding clients served. To pull this data, Project Sponsors must first ensure the data is complete and accurate, typically by the end of January each year.
 - *Narrative and spending details:* Project Sponsors are required to submit supplemental narrative and spending information directly to the Iowa Finance Authority. This information is submitted using the paper HOPWA CAPER template supplied by HUD. This part is typically required by mid-February.
 - *Completion and verification of aggregate report:* The Iowa Finance Authority compiles aggregate information from all Project Sponsors, into one single report to submit to HUD. This sometimes requires verifying information and asking additional questions of Project Sponsors. The final CAPER report must be submitted to HUD within 90 days of the end of the project year, which in Iowa is the calendar year—thus, the whole report is due to HUD by late March.

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- *HUD Technical Assistance provider review*: A contracted HUD Technical Assistance (TA) provider reviews the report and runs a number of different data checks. The TA provider contacts the Iowa Finance Authority to resolve any questions or discrepancies, which sometimes also involves additional information from Project Sponsors.
- **Consolidated Annual Performance Evaluation Report (CAPER)**: This overall CAPER report includes the following HUD programs: Community Development Block Grant (CDBG), HOME, Emergency Solutions Grant (ESG), and HOPWA. It is submitted annually to HUD, in connection with the Five-Year Consolidated Plan and the Annual Action Plans submitted to HUD for these programs. The Iowa Finance Authority submits this report in partnership with the Iowa Economic Development Authority; Project Sponsors typically do not have to submit anything extra for this report.
- **HOPWA Performance Profiles**: HUD has also developed grantee performance profiles to share performance data with HOPWA stakeholders and the public. The performance profiles provide an overview of how funds have been used and what outcomes have been achieved. Performance profile reports may be accessed here: <https://www.hudexchange.info/manage-a-program/hopwa-performance-profiles/>.
- **HOPWA reports in IDIS**: IDIS is the system the Iowa Finance Authority uses to request reimbursement from HUD for HOPWA funds spent by Project Sponsors.
- **Annual Audit**:
 - **Single Audit Not Required Form**. A “Single Audit Not Required” form must be submitted to the Authority for each Sponsor fiscal year that the Sponsor expends less than \$750,000 in federal funds.
 - **Single Audit**. An audit must be submitted to the Authority for each Sponsor fiscal year that the Sponsor expends \$750,000 or more in federal funds, including HOPWA funds. If the Sponsor, in accordance with federal rules at 2 CFR Part 200, is required to complete a Single Audit, the Sponsor shall ensure that the audit is performed in accordance with 2 CFR Part 200, as applicable. The completed audit must be submitted to the Federal Audit Clearinghouse within the earlier of 30 days after the receipt of the auditor’s report, or nine months after the end of the organization’s fiscal year.
 - **Additional Audit**. As a condition of the grant to the Sponsor, the Authority reserves the right to require the Sponsor to submit to a post Subgrant completion audit and review in addition to the audit required above.
 - **Closeout**. If an audit is required, the Sponsor must submit a copy of the completed audit to the Authority within the same time frame it is submitted to the Federal Audit Clearinghouse. IFA staff will review subrecipient audits and request follow-up documentation for any program findings. This includes following up to ensure any required correction actions are completed.

SECTION 6 – DETERMINING CLIENT ELIGIBILITY

Application and Assessment

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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. Some agencies use acuity scales or rating scales to determine those with highest need in order to prioritize limited funding. Examples might include prioritizing homeless families or individuals, or those who are medically fragile, or those with the lowest incomes. Any prioritization plan must be in writing and applied consistently to all applicants.

Assessment Process

Assessing the need for housing and identifying an appropriate housing intervention is the key purpose to housing case management 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 initial assessment and certification appointment the case manager 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 client’s HIV/AIDS status by verifying documentation of a positive HIV test and/or a diagnosis of HIV/AIDS and related illnesses by a health care professional (i.e. doctor, nurse practitioner, physician’s assistant, OR a testing site representative who is authorized to cite the client’s HIV/AIDS status and provide appropriate test result documents).
- 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 case manager 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.

<p>NOTE: The sequence of steps in the process of determining applicant eligibility may vary and multiple actions may occur simultaneously. Project Sponsors should ensure that there are appropriate procedures in establishing and documenting applicant eligibility.</p>

Prior to any HOPWA services being provided there are two basic criteria for program eligibility:

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 eligible person is a minor.
2. Total household gross income must be less than 80 percent of the Area Median Income Guidelines (AMI) as defined by HUD.

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

Client File Setup:

A client's HOPWA file should be assigned, by the Project Sponsor, a unique identifying number for confidentiality purposes located on or within the file AND should also include within it the following items:

- *Release of Information*
- *Program Service Agreement*
- *HIV Verification*
- *Demographics:* a document(s) which contains information in regards to family size, client location, date of first contact, date assistance started, and type of assistance given.
- *Income:* Income Worksheet/Verification of No Income, client's income source documentation, gross annual income worksheet, income exclusion list, expense verification form, earned income disregard (if applicable).
- *Housing Information:* Landlord Rental Agreement, eviction notice (if applicable), rent reasonableness comparison, Fair Market Rent/Utility Allowance charts (if applicable), and housing/case management plan.
- *Recertification:* as applicable
- *Safety:* smoke detector certification (for STRMU and TBRA), lead based paint acknowledgment (for STRMU and TBRA), housing inspection form, tenant inspection checklist (if applicable)
- *Grievance/Termination:* the Project Sponsor's policies should be signed and dated by the client.
- *Miscellaneous:* any case notes or other pertinent client information.

The tabs in client files are by no means limited to the ones listed above. Each client is unique and every effort should be made to keep everything logically organized and separated.

HIV Verification:

All participant files must contain documentation that verifies their medical eligibility to receive HOPWA assistance. Acceptable medical documentation of HIV status includes:

- A signed and dated statement of HIV infection 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 HIV positive status
- A laboratory report indicating a positive HIV test (Repeatedly reactive enzyme immunoassay, Western blot or IFA, or rapid screening test).
- Social Security Administration records indicating the nature of a disability determination

Declaration of Household Status and Household Types:

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At the time of initial HOPWA program enrollment and certification, and subsequent re-certifications, the eligible applicant, if living with other occupants, must declare the nature of the relationship(s) as either a family unit, platonic roommates sharing housing, or as a live-in-aide. Project Sponsors may 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 case manager 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 eligibility 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 an eligible client may reside:

1. Eligible Person Living Alone

A household consisting of an eligible person living alone may apply for assistance based on the applicant's total income. When the applicant is an eligible person living alone, his/her total income is counted in determining financial eligibility; and the total housing costs are counted in determining the amount of allowable assistance.

2. Eligible 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 eligible person with HIV/AIDS.”* People who fit this definition generally meet one or more of the following criteria:

- a) They are an intimate partner of the eligible person, regardless of gender or marital status. They have mutually agreed with the eligible person that they will support each other financially, emotionally, and/or spiritually
- b) They assist the eligible person in maintaining physical and/or mental health, yet do not live with the eligible person solely for this purpose
- c) They are a *minor or are an elderly dependent (i.e. legal guardianship of a member of the household)

*An adult with custodial authority for a minor who is the HIV and income eligible must accompany the eligible minor to the intake, screening, and case management appointments. In such a case the “head of the household” is considered the custodial adult.

Eligible persons may not rent from family members. Clients may not rent a property or room from a relative or family member under HOPWA assistance. Regulations state that rental assistance cannot be approved for a “unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family.”

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.

3. Eligible 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

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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 eligible for HOPWA assistance will not receive any compensation as a result of the housing assistance awarded to the eligible 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-eligible person's income is counted when assessing income eligibility. Rent and utilities must be prorated among roommates.

- For example, if a client has two (2) roommates and is residing in a three (3) bedroom rental unit, the rental portion subject to assistance under the HOPWA program would be the lesser amount of one-third (1/3) of either the
 - (a) actual asking rent by the landlord, (including utility allowance permitted for the unit type and size) or
 - (b) the HOPWA program's rent/payment standard for a three-bedroom apartment (including utility allowance permitted for the unit type and size)

If more than one person in a roommate relationship is eligible for HOPWA assistance, each must apply separately based on individual income and prorated housing costs.

4. Household with a Live-in Aide

A live-in aide compensated for providing care to the eligible person with HIV/AIDS, or another disabled or elderly member of the eligible person's family, is not 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

They are entitled to a separate bedroom in a HOPWA housing subsidy situation.

A Family Member Cannot Be Considered a Live-in Aide. A family member cannot be considered a live-in aide, even if that person is the sole caregiver to the other.

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:

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- 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.

Income Verification:

HOPWA regulations require the total income of all household members (except where referenced above) be counted in determining financial eligibility (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 eligibility, the entire household income must be taken into account, not just the income of the HOPWA eligible person. This data is updated annually and can be found at: <http://www.huduser.org/datasets/il.html>

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 eligibility determination. 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.
- Eligibility 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.

NOTE: Income verification methods follow those outlined for the Housing Choice Voucher Program and can be found at: <http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf>

Citizenship Considerations:

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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. Associated guidance includes, "Immigration: Noncitizen Eligibility for Needs-Based Housing Programs," at <http://www.fas.org/sgp/crs/homesec/RL31753.pdf>.

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. Agencies must develop and follow consistent internal written policies regarding this.

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.

Consideration in Serving Ex-Offenders:

HOPWA regulations are silent in regards to serving ex-offenders or clients with criminal histories; however, HUD has a priority to keep households residing in federally subsidized housing, including HOPWA, safe and free from crime. There are other associated federal guidance that prohibits governmental agencies and public housing authorities from providing federal housing assistance to two groups of applicants:

1. Those who have ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing; and
2. Those who are subject to a lifetime registration requirement under a state sex offender registration program.

Issues and Barriers to Housing Stability:

Case managers should be sensitive to, and attempt to proactively recognize, issues that could lead to or are causing a client's housing instability. Housing case managers will work in collaboration with 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 and medical or care case managers are not one and 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 abuse and the provision of such related care and treatment. They can provide the housing case manager 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:

- Failure to make timely housing-related payments;
- Poor money management skills;
- Deteriorating health such as HIV-related fatigue and dementia;
- Untreated or under-treated mental illness;
- Lack of life skills for independent living;
- Disruptive behavior resulting in loss or damage to property and disturbance of neighbors;

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- Family violence histories;
- Criminal histories;
- Lack of credit;
- Lack of documentation of U.S. citizenship or legal residency status (for most federal benefits).

Waiting Lists

Project Sponsors should ensure that if they keep a waiting list for HOPWA housing and/or services, they create and maintain a written policy that is in compliance with Fair Housing Guidelines (**See Section 5**) and administered consistently to all applicants. HOPWA does not prescribe a particular method; however, it is preferable that the method selected ensures that applicants with the greatest need get housed first; therefore, it is imperative that case manager(s) accurately represent the client’s living situation to assure that those in immediate crisis are served first. Examples of waiting list policies might include:

- Date/time listing in the order fully completed applications and verification are received
- Periodic lottery style drawings
- Establishing acuity scales such as:

Acuity Level #1	Acuity Level #2	Acuity Level #3 - Highest
<input type="checkbox"/> Formerly independent family or individual temporarily residing with family or friends – projected time allowed to stay > 30 days	<input type="checkbox"/> Formerly independent family or individual temporarily residing with family or friends but must leave within the next 30 days	<input type="checkbox"/> Homeless, (living in emergency shelter, car, on street/camping, etc.) or medically fragile
<input type="checkbox"/> Housing is in jeopardy due to projected financial strain (>30 days); needs assistance with rent/ utilities to maintain housing	<input type="checkbox"/> Housing is in jeopardy due to immediate projected financial strain (<30 days); needs assistance with rent/utilities to maintain or find new housing	<input type="checkbox"/> Home uninhabitable due to health and/or safety hazards
<input type="checkbox"/> Living in long-term (>1 mo.) transitional rental housing.	<input type="checkbox"/> Living in temporary (<1 mo.) transitional shelter	<input type="checkbox"/> Eviction notice received (72 hours or less)
<input type="checkbox"/> Client incarcerated (release date >3 mo.)	<input type="checkbox"/> Client incarcerated (release date <3 mo.)	
	<input type="checkbox"/> Eviction notice received (<30 days)	

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Policies should not include “holding” positions on the wait list in anticipation of life changes that could qualify clients in the future.

Applicants and case managers should regularly update the referral at any time based on the client’s current housing situation. If the case manager determines that a client on the wait list no longer requires HOPWA assistance or no longer qualifies for HOPWA assistance, they would withdraw the client’s referral to the wait list. It is imperative that all parties involved with the applicants care be notified prior to removing a client from the wait list.

Once an opening becomes available, the next applicant from the waiting list will be contacted. Case managers might want to notify the top two or three applicants on the waiting list of their status to assist in planning for the upcoming move. It is recommended to review and verify the applicant’s status at least every six months to ensure they are still in need of the housing/service and that their contact information is updated.

Housing Stability Plans:

As with all HOPWA assistance, the sponsor should use individual housing service plans that assess the participant’s resources, establish long-term goals, and link the participant to other support resources. **(See additional section on housing stability plans.)**

SECTION 7 – SHORT-TERM RENT, MORTGAGE & UTILITY (STRMU)

Short-term Rent, Mortgage, and Utility (STRMU) Assistance is “needs-based” time-limited housing assistance designed to prevent homelessness and increase housing stability for clients with an emergency need due to loss of income or health-related issues. Used in connection with other HOPWA activities and other local, state and federal resources, STRMU assistance can for a period of up to 21 weeks in any calendar year. STRMU goals should involve efforts to restore a client’s self-sufficiency and develop independence from housing support. Need for STRMU (or other HOPWA) assistance should be evaluated regularly, as required by 24 CFR 574.500. STRMU payments are intended to create only a temporary solution for an unstable living arrangement and should be connected to a long-term housing stability plan for maintaining the household. Housing stability plans must be updated regularly.

NOTE: STRMU payments cannot be made to an individual or household that is already receiving monthly rental assistance through HOPWA or another federal, state, or local housing subsidy program.

Eligible STRMU Expenses:

1. Rent
 2. Mortgage
 3. Utilities (excluding telephone, Internet service, or cable/satellite dish)
- Costs must be reasonable and represent actual housing and utility costs.
 - The amount of assistance provided is not limited to Fair Market Rents or “reasonable rent” limits; however reasonable housing costs should be discussed if stability in housing is a barrier.

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- Unlike other forms of HOPWA assistance, tenants are not required (but encouraged) to pay a portion of their income towards the rent or mortgage payment. If they are able, program participants 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.
- Late fees and other penalties may be paid if, in the event of nonpayment, the household is at risk of eviction or loss of housing.
- All payments must be third party, not directly to program participant.

Ineligible STRMU Expenses:

- Security deposits and first month's rent (these are Permanent Housing Placement activities)
- Moving assistance
- Household supplies and furnishings
- Telephone expenses
- Unit repairs or damages
- Personal needs

Eligibility Criteria:

In addition to HIV and income eligibility, applicants must meet the following additional criteria in order to receive STRMU assistance:

- Program participant must be currently housed because assistance is provided to help renters and homeowners remain in their current place of residence. **(Homeless individuals are not eligible).**
- Program participant must be able to document that he/she has a legal right to occupy premises and/or has responsibility for the utility and/or rent or mortgage payment(s).
- Clients must demonstrate that they do not have the resources to meet rent, mortgage, or utility payments and are at risk of homelessness.
- Clients must demonstrate how they plan to make future adjustments or changes to ensure their housing stability once the STRMU assistance is no longer available.

Documentation of Need:

The goal of HOPWA STRMU assistance is to provide **short-term** “needs-based” interventions that help maintain stable living environments for households who are experiencing a financial crisis and the potential loss of their housing arrangement. It 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. The documentation of need for STRMU assistance has a few key elements, summarized below, but consult [CPD Notice 06-07](#) for more detail on standards.

Examples of “Emergency Need” leading to eviction, foreclosure, or utilities shut-off may include:

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- Applicant experiences a sudden loss of income due to changes in health
- Applicant has lost employment and has not yet been found eligible for SSDI
- Applicant's household loses a source of income when family composition changes
- Applicant faces extraordinary and unexpected out of pocket health care costs

Acceptable Forms of Documentation for Costs include, but are not limited to:

- **Rental payments:** *Lease or rental agreement or late payment notice.* Program participants must be named tenant under a valid lease/rental agreement or referenced in lease as occupant of the premises
- **Mortgage payments:** *Mortgage statement, deed of trust, title insurance policy etc.* Program participants must demonstrate that he/she is owner of mortgaged property.
- **Utility payments:** *Utility bill or late payment notice.* Program participants must have an account in their name or proof of responsibility to make utility payments (copies of money orders, cancelled checks, receipts).

NOTE: An eviction notice or default/shut-off notice in the case of overdue utility payments is not required as the sole proof of need. Case managers can call landlords and utility companies or verify via the Internet that balances are outstanding for their clients. These actions must be documented in the client files.

Time Limitations and Caps on Payments:

In accordance with HOPWA regulations, Project Sponsors may not exceed the regulatory limit for assistance of 21 weeks out of a 52-week period for STRMU. **All Project Sponsors in Iowa must follow the calendar year to track the 21-week limit.** The 21-week limit starts over in January of each year for every client.

SECTION 8 – TENANT BASED RENTAL ASSISTANCE (TBRA)

Tenant-Based Rental Assistance is a rental subsidy used to help participants maintain permanent housing 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. Reasonable security deposits for HOPWA TBRA clients can be provided as a Permanent Housing Placement service, which is a separate HOPWA activity described in more detail below. **Late and reconnect fees are not allowable under TBRA.**

Although HUD considers HOPWA TBRA to be permanent housing, many sponsors utilize it as a long-term “transitional” program until households (if eligible) can secure Housing Choice Voucher (Section 8) housing or other affordable stable housing. 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

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assistance, or a return to the bottom of the waiting list. However, Project Sponsors may waive this requirement if they are able to demonstrate appropriate justification as to why acceptance of the housing would be detrimental to the client's health and well-being or other reasonable accommodation needs such as the following:

- Client would have to move away from family who are necessary for the client's care and well-being;
- Client would have to move but is too sick at the time to do so;
- Client cannot find a suitable residence that will accept Housing Choice Vouchers (Section 8).

Fair Market Rent (FMR) Standards:

HUD requires HOPWA TBRA to utilize the Fair Market Rent (FMR) standards in setting limits on the total amount of rent and utilities that are allowed when renting a unit from private landlords in the community. The FMR amounts are based on the average amount of money that a given property would command, if it were open for leasing at the moment. The FMRs are determined and published annually by HUD for each city and county in the U.S. and updated annually. Grantees and Project Sponsors must take care to use the most current standards. They can be found online at <http://www.huduser.org/datasets/fmr.html>.

NOTE: Remember that FMRs and Rent Reasonable standards are the total amount a client can pay for a unit including the rent amount AND the local utility allowance amount (discussed below) for the unit size and type, per the local PHA utility allowance schedule.

HOPWA 10/20 Rule for Rent Payments:

HOPWA Regulation 24 CFR 574.320(a)(2) allows for very limited exceptions to the FMR limit. In these limited cases, the usual FMR limit may be exceeded by up to 10%. This is allowable for up to 20% of the total TBRA units assisted by all Project Sponsors in Iowa. This rule allows for exceptions such as clients who may need to reside near medical services in a community where rents are exceptionally high, or if clients are in an established residence that is above the rent standard and it would be detrimental to their health or well-being to move, or families with children that are established in a particular school district. Iowa Finance Authority tracks the exceptions made state-wide in order to assure no more than 20% of the total units are exceeded. Sponsors must request an exception by emailing the Iowa Finance Authority.

Rent Reasonableness:

In addition to the rent payment standards, HOPWA regulation 24 CFR 574.320(a)(3) requires that “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 rent currently being charged by the owner for comparable unassisted units.” In order to meet HUD's Rent Reasonableness requirement, Project Sponsors must document that staff has made efforts to determine that the rent requested by the landlord is reasonable. Rent reasonableness tests must be conducted on every unit receiving TBRA assistance before assistance is provided and should be documented on the Rent Reasonableness Form and maintained in the client file. The Iowa

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HOPWA Rent Reasonableness and Fair Market Rent form may be found on this page, in the section for Client File Forms: <http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/56>.

To qualify as “reasonable,” the proposed unit’s gross rent (including rent and utility allowance) cannot be more than 10% above the average gross rent of a minimum of two (2) comparable units (or the average of the units by area if using the local housing spreadsheet). Documentation of rent reasonableness must be included in the client files to ensure that efforts have been made to comply with this requirement.

Tenant Rent Payment:

Each household that receives HOPWA TBRA assistance must pay a portion of their income for rent, including utilities. The tenant’s payment is calculated based on total household income, regardless of the total lease or rent amount for a housing unit. The portion that the HOPWA program pays is the difference between the tenant’s payment portion and the total approved contract rent for the unit (according to the lease agreement with the property owner).

Project Sponsors should use the HOPWA Income Eligibility and Rent Calculation Workbook for this determination, available on this page in the section for Client File Forms:

<http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/56>. See the third tab of this workbook for Income and Rent Calculation.

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’s 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:

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**

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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 case manager 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 disregard 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 disregard is no longer eligible, regardless of how many months of EID were provided during that time. (see <http://www.hudhre.info/index.cfm?do=viewEID> 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:

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.

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- *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 case managers must furnish the client with a copy of the pamphlet “*Protect Your Family from Lead in Your Home*” (see <http://www.epa.gov/lead/pubs/leadpdf.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.htm>). A lead based paint acknowledgement form should be signed and kept in both STRMU and TBRA client files.
- *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 assisted under HOPWA (STRMU and TBRA) 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. The only exception for not having a smoke detector certification is if utilities are the only service being subsidized.

Project Sponsors should use the HOPWA Habitability Standards Checklist, available on this page, in the section for Client File Forms: <http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/56>.

Prior to HOPWA TBRA funds being provided for a housing unit, Project Sponsors must certify that it meets these standards. The inspection can be performed by a case manager without a requirement for specialized training, or an outside entity qualified to do inspections. The case manager or other designee must make a home

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visit to determine the overall suitability of the rental property and certify that it meets the standards listed on the Habitability forms. The TBRA unit must be re-inspected and re-certified at least annually when the client's income eligibility is re-certified for HOPWA assistance, in addition to when the client moves to a new residence.

Renting From Family Members:

Federal Regulation 24CFR 982.306 (d) prohibits public housing authorities (PHA) 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 Public Housing Authority 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 eligibility 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**); 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 eligible 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 eligible for HOPWA assistance, each must apply separately based on individual income and prorated housing costs.

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3. In the case where two (2) or more unrelated persons live together as roommates, the individual(s) not eligible for HOPWA assistance will not receive any compensation as a result of the HOPWA assistance awarded to the eligible person.

SECTION 9 – SUPPORTIVE SERVICES

Supportive Services eligible for HOPWA assistance include:

- Limited health services
- Mental health services
- Drug and alcohol abuse treatment and counseling
- Housing and needs assessment
- Day care
- Personal assistance
- Nutritional services
- Intensive care when required
- Limited transportation costs
- Assistance in gaining access to local, State, and Federal government benefits and services (except that health services may only be provided to individuals with acquired immunodeficiency syndrome or related diseases and not to family members).

HOPWA Supportive Services Focus and Expectations

Project Sponsors must assure that appropriate supportive services to eligible individuals, either directly or through referral to appropriate services providers. Supportive Services may be provided either in conjunction with HOPWA housing assistance or as a stand-alone service (Supportive Services Only). **Although the allowable activities may be expansive, HOPWA Supportive Services should focus on housing stability.**

Key Differences Between Case Management and Housing Case Management

HOPWA Supportive Services funds may be used to pay for appropriate portions of time for a HOPWA case manager or housing case manager. If a HOPWA client is not in medical care, the case manager must include medical care as part of the comprehensive care plan, or make a referral to obtain appropriate medical care.

The primary goal in housing case management is **housing stability** in a decent, affordable situation that may vary depending on each person's unique situation and needs. For instance, housing stability for some clients means primarily securing more cost effective permanent housing or increasing the household income; for others, it may include more intensive or time-limited activities such as securing transitional housing to address underlying needs such as money management, substance use, mental or medical health engagement, or dealing with parole or probation requirements aimed at reducing recidivism. Although some aspects of different case management types overlap, housing case management activities should focus on assessment of barriers to

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successful housing stability, and providing interventions and creating a housing plan that will assist the client in reaching this goal. Generally, key case management/housing case management expectations include:

- **Comprehensive assessment of the client's needs, barriers, and personal support systems such as:**
 - Public benefits and other sources of income
 - Potential barriers to securing housing
 - Housing needs and preferences
 - Family, friends or service systems support
- **Development of a housing plan that specifically addresses affordable stable housing as HUD's primary goal**
 - Referral to emergency shelter or transitional housing if homeless
 - Application for permanent rental assistance programs (such as Section 8 or HOME-TBRA)
 - Referral to and participation in "RentWise" or similar tenant education classes
 - Search for and obtainment of employment
 - Referral/enrollment in education or vocational training programs
 - Referral to and participation in first-time home buyer's programs
 - Budgeting and/or referral to financial advising
 - Search for and obtainment of more suitable, stable rental housing
- **Coincidental development of a care plan identifying needed supports and medical care**
 - Application for and obtainment of SSI/SSDI, unemployment, or other public assistance
 - Referral to Food Stamps, food pantry, meals on wheels or food pantry programs
 - Referral to mental health or chemical dependency services
 - Referral to appropriate HIV care and medical services
- Coordination of the services listed above that are required to implement the comprehensive care and housing plans
- Documentation of referrals made to clients, and services accessed by clients
- Regular monitoring to assess the progress and efficacy of the plans
- Periodic re-evaluation and revisions/updates of the plans, as necessary
- Client-specific advocacy

Housing Stability Plans

The objectives of the HOPWA program are to ensure that clients:

- Maintain housing stability

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- Avoid homelessness
- Experience increased access to health care and HIV-related treatment

Housing Plans and Assessments assist in ensuring that participants achieve housing stability by receiving HOPWA assistance. Regulation 24 CFR 574.500(b)(2) that each project agree to “conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program.” The housing assessment is the foundation for the development of individualized housing and service plans by gathering participant information about current finances, past rental history, behavioral history, and other service needs, as well as determining barriers to housing stability. The initial housing stability plan established with the client, case manager/housing case managers is considered a “living document,” and should be updated, amended, or replaced when necessary or beneficial to assisting the client meet the objectives of the program.

NOTE: All program participant files must contain an individualized housing assessment and housing and service plan with evidence of annual updates and ongoing progress. Examples of Housing Assessments and Client Housing Plans may be found at: <https://www.onecpd.info/resource/1025/hopwa-program-administration-toolkit/#checklist>

When clients’ housing needs assessment indicates behaviors that may present barriers to obtaining or maintaining housing, it may be appropriate to specifically highlight applicable program expectations and responsibilities by placing them directly into the housing plan as actionable items.

Examples could include:

- Paying the full amount of the client’s portion of the rent and/or utilities on time every month.
- Maintaining the client’s rental unit in a safe and sanitary condition and in the condition in which it was initially rented to them, which excludes normal wear and tear.
- Avoiding behavior (their own or that of a household member or guest) that would disturb their neighbors’ peaceful enjoyment of their own home (i.e. yelling, loud music or noise, violence, drug use, other illegal activity, damage to or theft of others’ property, blocking or cluttering common areas or right-of-ways).

Housing plans should record specific activities meant to assist the client in meeting the program objectives, identification of the person(s) who is to complete each activity, a target date for completion of each activity, and the date that each activity is completed or revised and the outcome of that completion or revision. The client and case manager should agree upon the initial plan and subsequent revisions, with a client signature for maximum buy-in.

Additionally, Project Sponsors should set a policy for periodic review of housing stability plans for all active clients. This includes updating client progress toward meeting stated goals, revising the plan as necessary and documenting client progress toward meeting stated goals in the progress notes section. A copy of the housing plan and subsequent revisions will be kept in the client’s locked file.

Home Visit Safety Protocol

Home visits for habitability standards inspections are required by HOPWA, and many programs are structured in such a way that home visits are a regular part of the case management protocol. Employees conducting such

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visits have a duty to ensure reasonable care for their own health and safety during any client home visit. **Every Project Sponsor should have written policies and procedures governing home visits.** Some elements of a home visit safety policy might include:

- Employees should note in their email calendar the home visit appointment time, date, and client unique (confidential) identifier code. The expected return time should also be noted.
- Employees might consider selecting a code word that staff at the host agency knows. In the case of an emergency call by the home visiting employee the use of the code word would indicate the employee needed assistance.
- All home visits should be scheduled during daylight hours.
- Unless a risk assessment has been completed which indicates otherwise, initial home visits should be done in pairs. All members of the staff doing home visits should carry a mobile phone.
- Home visiting employees should assess if the neighborhood or house appear unsafe. If uncomfortable with the situation, the appointment should be rescheduled, and two or more service providers return together at a later date/time. The client should be notified of the delay.
- Home visiting employees should not enter a residence unless invited to do so.
- In addition to a Project Sponsor's policy, it is the responsibility of each employee to ensure their own safety, inform people of their whereabouts, and withdraw from situations where they feel an unacceptable level of risk.

SECTION 10 –PERMANENT HOUSING PLACEMENT

Permanent Housing Placement (PHP) services may be used to help eligible persons establish a new permanent housing residence where ongoing occupancy is expected to continue. Most frequently Project Sponsors use this activity for application fees, related credit checks, and reasonable security deposits to move people into permanent housing, *provided such deposits do not to exceed two months of rent* value in the new unit. PHP may be used for moving into market rate housing or subsidized housing from HOPWA or other HUD programs such as the Section 8/Housing Choice Voucher program. Also, one-time reasonable hook-up fees or deposits are eligible payments to utility companies for new service.

In addition to move-in costs, PHP funds may be used to complement 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 to more independent alternatives. Costs may include fees for housing search services or activities designed to assist household in locating suitable housing. This may also include tenant counseling, understanding leases, securing utilities, making moving arrangements, paying for representative payee services for persons who use such services to better manage their own finances, and mediation services related to neighbor/landlord issues that may arise. As with all HOPWA assistance, the sponsor should use individual housing service plans that assess the participant's resources, establish long-term goals, and link the participant to other support resources.

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It is recommended that Project Sponsors maintain policies describing the conditions for use of the funds, and indicating any local limitations imposed such as frequency of access to PHP funds (ex. one time per calendar year, or one time per lifetime on the program).

When a client vacates a unit where HOPWA Permanent Housing Placement paid the deposit and move-in costs, landlords must repay the full refunded amount to the Project Sponsor's HOPWA program and not to the client. When landlords sign a participation agreement with the HOPWA program, a statement about the deposit return should be clearly visible on the form to help ensure this practice. At the time of move-out or termination of HOPWA assistance, case managers should send a letter to the landlord, reiterating their obligation to provide a move-out accounting and, if applicable, the return of deposit monies to the program; this includes any follow-up necessary to assure repayment of funds to the program. Returned funds should be recorded as program income, tracked by the Project Sponsor, and used to further HOPWA program purposes.

Habitability and PHP

Providers should ensure that all housing supported with PHP is safe, decent, and sanitary. Generally, if PHP is provided, the unit should meet basic HOPWA Habitability Standards found at 24 CFR 574.310(b)(2).

SECTION 11 – GRIEVANCE POLICIES AND TERMINATION OF ASSISTANCE

Grievance Policy

Project Sponsors should develop a written Grievance Policy that applies to any decision by the HOPWA program that may adversely affect the client's eligibility for assistance, including denial of re-certification, reduction of assistance, or program termination. 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. Federal regulations further specify that this process, at a minimum, must consist of:

- a) Serving the client with a written notice containing a clear statement of the reasons for the determination.
- b) Allowing the client to examine the case file, and all accompanying documentation and evidence upon request.
- c) 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.
- d) Providing prompt written notification of the final decision to the client.

Survivorship Rights: Termination of Assistance 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 1 year of rental assistance to such surviving family members as a grace period. **Each Project Sponsor in Iowa must develop and follow a written policy regarding the length of the grace period allowed.**

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

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re-certification) process, such person will be deemed the eligible person of the household and, therefore, client of the program, permitting HOPWA assistance to continue as long as eligibility is 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 of Assistance

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, case managers 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; or
 - 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 eligibility 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;
 - Income ineligibility when total household income is over 80% AMI, or withholding income or verification;
 - Failure to notify the Project Sponsor of a change in income within an established time frame;
 - Failure to notify the Project Sponsor of any changes in circumstances in order to obtain or continue to receive benefits within an established time frame;
 - Failure to submit required documentation/information within an established time frame;

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- Failure to cooperate with Housing Stability Plan 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; or
- Repeated failure to make timely payment of the client's required portion of the rent.

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:

- a) Copies of landlord-tenant notices to comply with Lease/Rental Agreement and Housing Rules.
- b) 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.
- c) Police reports, arrests or convictions for drug-related criminal activity of any household member, guest or anyone within the client's control.
- d) Documentation of a failed diligent search for a client who has abandoned a HOPWA-assisted unit.
- e) 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.

Project Sponsors in Iowa should use the Iowa HOPWA Termination of Assistance Form, including having all clients read and sign the form, and retaining the form in each client's file.

Eligibility for Further HOPWA Program Assistance

Project Sponsors should create a policy for reinstating clients previously terminated from HOPWA assistance. Wherever possible, care should be taken by agencies to ensure that clients evicted from housing do not lose their linkage(s) to medical care. Policies for re-instatement generally range from six months to two years 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 an exclusionary period, reconsideration for admission to HOPWA services should include the following elements:

- A reassessment of the client's living situation acuity

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- 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. Tenant-landlord 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 tenant-landlord 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 case manager 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.

SECTION 12 – FINANCIAL MANAGEMENT

HUD HOPWA Financial Management Online Training: Project Sponsors are required to have at least one representative at all times who has completed HUD's online HOPWA Financial Management and Training Certification course. The course is found at this link: <https://www.hudexchange.info/training-events/courses/hud-hopwa-financial-management-online-training/>. The course provides an in-depth overview of key financial management practices related to managing grants.

Financial Management Workbook

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Financial management forms generally used by the Iowa Finance Authority include an initial yearly Budget form, a Budget Revision Request form, a Draw (Reimbursement) Request Cover Form, and a Draw Itemization Form. Forms are updated periodically and provided to Project Sponsors.

Reimbursement Requests:

- Eligible HOPWA expenses are reimbursed to Project Sponsors after the expenses have been incurred and paid, and the Project Sponsor submits acceptable documentation to the Iowa Finance Authority for review.
- Requests for reimbursement must be submitted on forms prescribed by the Iowa Finance Authority. Reimbursement requests should include the following:
 - Draw Request Cover Form
 - Draw Itemization Form
 - This must include all payments made on behalf of clients, referencing the HMIS system number for each client, NOT the client's name or any other personally identifying information.
 - No additional supplemental documentation unless requested by the Authority for a desk audit/further review.
- Reimbursements may only be approved for activities described in the approved Budget on file with the Iowa Finance Authority. If the Project Sponsor wishes to change the budget, they must submit a request to the Iowa Finance Authority on the appropriate prescribed form. If the request is approved, then subsequent reimbursement requests must follow the updated budget instead of the original budget.
- Reimbursement requests should be submitted according to the schedule described in each year's grant agreement.
- Reimbursement requests sent by email should not include personally identifying information for any HOPWA program participant.
- Additional supporting documentation may be required periodically by the Authority.

SECTION 13 - FREQUENTLY ASKED QUESTIONS

- What if an HIV positive person is living with someone who lost income and now the HIV positive person needs rent money because of this?
 - The entire Household income is considered and if the total gross amount is at or below 80% Area Median Income (AMI), they could qualify for rental assistance. – Mariah Ybarra
- For children who are over 18, that have no income, should the client still receive a dependent deduction? Should that child be considered a roommate?

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- Children over 18, who are not in school full time or are not disabled, do not qualify for the \$480 deduction. Family members are not considered roommates; they are family and considered part of the household. – Mariah Ybarra
- For clients who have children in college that they are supporting financially, and the child claims the client's address as their permanent address, would we count them as a dependent deduction? If the children are working, do we count their income as part of the overall household income?
 - If the children are full-time students you will consider them a dependent and they qualify for the \$480 deduction. If they are also working, count \$480 of their income in the gross income calculation section and then give them the deduction in the adjusted income section and it ends up zero in the end. – Mariah Ybarra
- If a client stops working because of a medical reason will the subsidy amount change to reflect that? Should the agency pay all of the clients rent because they have no income?
 - If income drops, you are required to recalculate tenant rent payment even if it drops to zero; but, you must inquire as to how the client will continue to live, pay full utilities, food, transportation etc. Regular re-occurring gifts, such as monthly help from family will be counted as income. If the person is having a difficult time maintaining their lives financially and/or living independently, HOPWA expects a re-assessment of suitable housing. Some HOPWA programs follow Section 8 policy and establish a minimum rent of \$25-\$50 in order to assure some income; however, if the zero income is due to disability, a reasonable accommodation may be necessary. This situation takes full assessment in many realms. – Mariah Ybarra
- If there is a situation where the roommate of a HOPWA client is not aware of the client's HIV status...should we be reluctant to have the roommate sign or view anything in the case?...especially if the only thing the roommates share is the kitchen and they are rarely home at the same time?
 - If this household is truly a plutonic relationship and not family, and both names are on the rental agreement and approved by landlord to share unit, you will not have to gather roommates income or have them sign an ROI. Your client is the only one you consider and base rent assistance on a shared leased housing calculation. If it is a family household you must consider all income. Regardless, you must provide confidentiality in any situation, even if assisting a family unit. This is why HUD expects you to have a rental assistance program acronym such as "QRAP" Quad Cities Rental Assistance Program" – Mariah Ybarra
- The importance of having a name on our checks that does not disclose HIV status at all has been discussed, but at the end of the year, 1099s need to be sent out. Is it a problem that ours would be from the hospice part of our organization?
 - This should be no problem as long as the Hospice doesn't declare HIV or AIDS in their name – Typically a hospice serves people who are terminal or dying from any disease so even if a landlord thinks this may be an AIDS hospice, they have no way of knowing for sure that their client is HIV+ unless the client/tenant discloses. – Mariah Ybarra

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- What if the “other adults” in the household of the HOPWA eligible participant refuse to sign the ROI? (This situation involves a client and his mother who are roommates and his mother refuses to sign anything.)
 - Mother and son are family and cannot be considered roommates. In order to receive HOPWA housing assistance the entire household must qualify as low income(<80% AMI) and provide income information; otherwise the household is not eligible for the assistance. Roommates are considered plutonic relationships with both people on a lease and each responsible for paying rent. – Mariah Ybarra

- I have a client who shares a house with his partner who is also the homeowner. They split all of the costs associated with living there in half. The “rent” is exactly half of the house payment and the utilities are included in the “rent” payment. What are the guidelines for this?
 - Partners, married or unmarried, same sex or opposite sex, are considered a family household family just like legal marriage or blood related family members. All of the household income must be counted. You cannot rent from a partner under HUD programs because they are considered important to the client’s care and well-being, just like any other relative. This household is out of compliance and should not be receiving HOPWA rental assistance unless both members’ income qualifies as low income. Then you can then assist them with STRMU, but not TBRA. They should be terminated from HOPWA assistance given legal landlord-tenant notice time. – Mariah Ybarra

- Are sex offenders eligible to receive HOPWA assistance?
 - There are only two non-negotiable prohibitions for serving someone with HOPWA or other federal subsidy housing. One is if a person is required to register in any state for their lifetime as a sex offender – and the other is conviction of manufacturing methamphetamine in federally subsidized housing. So if this person is not subject to a lifetime registration and you can determine that they come off the register at the end of parole or sometime in the future, you can serve them. What I always say to Project Sponsors is that working with sex offenders may take special behavioral counseling skills and an agency should feel confident in their ability to provide needed services if they decide to work with a sex offender. Also, depending on the severity of the crime, you want to ensure that they are placed in housing that does not put others at risk. – Mariah Ybarra

- Can a sponsor set a minimum amount of TBRA assistance that a person has to qualify for in order to receive assistance? For example, what if a client qualifies for only \$40 each month?
 - HOPWA doesn’t address this – and the grantee would need to approve a policy like this. Although it seems like a lot of paperwork for \$40, I wouldn’t want someone to go into eviction because they only needed a little help and HOPWA wouldn’t provide it. I would consider the decision carefully – Technically it is allowable. – Mariah Ybarra

- Can an agency discharge someone from the program after some predetermined length of time, even if the person still qualified for assistance?

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- No. HOPWA TBRA is intended to house people permanently or until another subsidy or affordable situation comes up. HUD would not want to arbitrarily make someone homeless just because you have a target date in mind. – Mariah Ybarra
- What is the role of a Housing Plan in moving someone out of assistance?
 - Housing plans are partially intended to be a roadmap for clients to move on and out of HOPWA if possible. Termination is always a difficult issue because you must also ensure that you don't violate landlord-tenant laws which make no consideration of "programs" as a rule. Now HOPWA does allow for termination in cases of violation of program policies, but even if a client wasn't working their plan, but were paying rent on time and being good tenants and neighbors otherwise, you would have a hard time evicting them in court, regardless of your program design. Terminations should be the last resort and with significant documentation of violations and reasons for termination of subsidy (not eviction from the unit). – Mariah Ybarra
- What is the best and clearest way to communicate with clients the rent assistance guidelines when they are searching for a new unit to rent (keeping in mind utility allowance charts)?
 - Even with the FMR or other rent standard in place, not all clients can afford that amount just because it is allowed. But because they are still bound by an upper limit, I suggest a combination of approaches: working with the client's budget together prior to the housing search to determine the amount that is realistically affordable to the client - then ensuring that they understand how to read a utility allowance chart when searching for a unit so that they know the total amount they can spend is the asking rent + utility allowance amount together. – Mariah Ybarra
- General guidance/best practices on waiting lists? First-come-first-served, or based on some other assessment of need/vulnerability?
 - There is no one set way to do this. Grantees and programs vary from place to place. Regardless of what the criteria is I think that once the required paperwork is all submitted and verified for accuracy that a date/time stamp should then be used to prioritize those in the selected system of assessment and to meet Fair Housing Law concern. – Mariah Ybarra
- When there are lots of people asking for housing, do we spend money and run out or turn people away and hang on to money until December?
 - To be in compliance for Fair Housing you must have either an open waiting list based on date of completed application – or not maintain a waiting list and use a lottery system when funds are available. You should never over-enroll and then not be able to sustain people.- Mariah Ybarra
- Can HOPWA provide assistance to undocumented persons?
 - HOPWA regulations are silent about serving undocumented aliens – and would defer to the associated guidance "Immigration: Noncitizen Eligibility for Needs-Based Housing Programs," at <http://www.fas.org/sgp/crs/homsec/RL31753.pdf>. There are HOPWA grantees that serve undocumented folks and others that do not. The guidance requires governmental agencies and public housing agencies to screen carefully, and they are not permitted to serve undocumented

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aliens. Non-profit agencies and charitable organizations are not required to inquire about status, therefore exempt from the law, even if they know that the person is undocumented. So as long as your HOPWA Project Sponsors are charitable or non-profit organizations they are exempt from the law and able to serve undocumented aliens. – Mariah Ybarra

- ❖ Follow up question: Income information shows that the client is working under a different name, which apparently he has to do because of his immigration status. While we recognize this may be reality for many, we are concerned about knowingly supporting what could be a case of identity theft.
 - ❖ Follow up response: This information does prohibit HOPWA funding from assisting this applicant. Identity theft is a crime - and knowingly providing federal funding to this person should not take place; this is very different than inquiring about immigration status when an applicant's name and ID matches - or their income verification matches - or even if they self-certify. The Project Sponsor will need to make a decision about how they deal with this information and knowledge of fraud and the law, but you as the grantee cannot knowingly support the TBRA provision. – Mariah Ybarra
- If I have a client who is on the TBRA program and we have never paid a security deposit for them; can we assist them with a security deposit to move into a different apartment if we are also assisting with the monthly rent?
 - Technically, HOPWA PHP is used to assist folks in moving into affordable units – although there is nothing written that discusses moving someone who is already in an affordable unit move to a new location. I recommend that grantees set a policy about how many times they will allow this for clients in already subsidized housing so that the funds are reserved mostly for people who newly find affordable units or have to move to another unit for health and safety issues. Also you want to ensure that no other funds are being used for the same purpose and document that the client can't pay the costs themselves. If you no policy exists now, you could use PHP without being out of regulatory compliance. I would document clearly the reason the person is moving from one unit to another, however. If you use PHP there is a limit of assistance not to exceed two months of rent value in the new unit. Also PHP can be used for clients moving into either market rate or any subsidized unit as long as those same costs (deposit) are not being paid for by other sources (double dipping). If you do not have PHP in your budget currently, it is legal to use TBRA funds for this also – but HUD prefers that you use PHP if possible. The main thing to know at this moment is that you would not be in regulatory violation to use either activity for this purpose. – Mariah Ybarra
 - Are there any suggestions on how to deal with a recent increase in the number of clients who have a cultural/language barrier that hinders assistance being provided.
 - This is an issue across the county and there are varying approaches to dealing with it. Some areas have a pro-bono or low cost translation service available – and sometimes local United Way agencies will provide this service or the funding for it. Other programs collaborate with Ryan White providers to utilize the same (if any) translation services. I am not sure if RW funding can pay for the service or not. Some programs reach out to cultural organizations that work with

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immigrant populations to secure translators for free or low cost if possible. Of course, some clients will also rely on family members if the trust factor is there. I have also heard of some college and universities as providing translation services. If all sources of funding are explored and there is still no reliable service available, HOPWA support services funding can be used to pay for a translator when necessary. Try the cost effective routes first and document efforts before using HOPWA support services because it can be a costly expenditure. Of course as part of the client housing stability plan, language proficiency classes should be considered. – Mariah Ybarra

- Can HOPWA TBRA subsidy be provided to a tenant living in a tax credit (LIHTC) property? This was confirmed through an HPRP FAQ that this was okay for that particular program, but we would like to confirm for HOPWA. If this is not okay, but an agency has already been providing this assistance for a particular client, can the agency continue to provide assistance only until the current lease expires, and then help the client to move to a qualifying unit instead?
 - Yes - HOPWA can be used in a tax credit property - but I recommend the following:
Because Tax Credit properties subsidize rents to various housing hold income levels (i.e. 100% AMI/80% AMI/60% AMI/40% AMI etc.) usually mixing these various levels in the same project, it makes sense to set a policy that prioritizes your HOPWA on the units that are subsidized the least - rather those at market rate or 80% AMI. If folks are already getting a substantial subsidy through the LIHTC program, STRMU short-term may make sense in rare need cases - but most grantees set a policy in order to maximize your dollars and extend affordable housing options as much as possible. – Mariah Ybarra

NOTE: This State of Iowa HOPWA manual is an evolving document. Comments and suggestions from Project Sponsors and other stakeholders are welcome.