



*Mississippi Home Corporation's
DESK GUIDE*

HOPWA

Housing Opportunities for Persons with AIDS



Table of Contents

Contents

<i>Mississippi Home Corporation's</i>	1
Table of Contents	2
Section 1. History of HOPWA PROGRAM	3
Section 2. Purpose and Use of Manual	4
Section 3. Program Definitions	5
Section 3 Cont'd. Program Definitions	6
Section 3 Cont'd. Program Definitions	7
Section 3 Cont'd. Program Definitions	8
Section 3 Cont'd. Program Definitions	9
Section 4. Program Administration and Monitoring	11
Section 4. Program Administration and Monitoring Cont'd	12
Section 4. Program Administration and Monitoring Cont'd	13
Section 4. Program Administration and Monitoring Cont'd	14
Section 5. Audits	15
Section 6. Sponsor Agency Reimbursements	16
Section 7. Administrative Agency and Project Sponsor Roles and Responsibilities	17
Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities	18
Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities	19
Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities	20
Section 8. Confidentiality	21
Section 9. Program Accessibility	22
Section 10. Fair Housing, Nondiscrimination, and Equal Opportunity	23
Section 10. Cont'd. Fair Housing, Nondiscrimination, and Equal Opportunity	24
Section 11. Program Eligibility	25
Section 11. Cont'd Program Eligibility	26
Section 11. Cont'd Program Eligibility	27
Section 11. Cont'd Program Eligibility	28
Section 12. Eligible HOPWA Activities	29
Section 12. Cont'd. Eligible HOPWA Activities	33
Section 12. Cont'd. Eligible HOPWA Activities	34
Section 12. Cont'd. Eligible HOPWA Activities	36
Section 12. Cont'd. Eligible HOPWA Activities	38
Section 12. Cont'd. Eligible HOPWA Activities	39

Section 12. Cont'd. Eligible HOPWA Activities	40
Section 13. Other Supporting Documentation	41
Section 14. Termination of Assistance	42
Section 15. Grace Periods for Surviving or Remaining Household Members	43
Section 16. Housing Quality Standards	44
Section 16. Cont'd. Housing Quality Standards	45
Section 17. HOPWA Housing Documentation	47
Section 17. Cont'd. HOPWA Housing Documentation	48
Section 17. Cont'd HOPWA Housing Documentation	49
Section 18. HUD Datasets	50
Section 19. Maximum Grant Amounts and Funding Factors	51
Section 19. Cont'd. Maximum Grant Amounts and Funding Factors	52
Section 20. Other HOPWA Federal and State Mandates	48
Grant Modifications	48
Section 20. Cont'd. Other HOPWA Federal and State Mandates	49
Section 21. HOPWA Resources	51
DESK GUIDE	64



Section 1. History of HOPWA PROGRAM

Mississippi Home Corporation (MHC) has updated the HOPWA program guidelines in order to facilitate the efficient and effective operation of all HOPWA programs with the primary objective to assist eligible applicants with secure, safe, decent, and sanitary housing in cities and counties in Mississippi.

History of the HOPWA Program and Purpose

The Housing Opportunities for Persons with AIDS program was authorized by the National Affordable Housing Act of 1990 and revised under the Housing and Community Development Act of 1992, to provide states and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low-income persons with Acquired Immunodeficiency Syndrome (AIDS) or related diseases and their families. This program authorizes entitlement grants and competitively awarded grants for housing assistance and services. 24 C.F.R. 574.1 *Final Rule for Housing Opportunities for Persons with AIDS*

Section 2. Purpose and Use of Manual

Purpose and Use of this Manual

This manual contains a basic overview of the MS Home Corporation Housing Opportunities for Persons with AIDS (HOPWA) Program and its eligible activities and requirements. It is not intended to replace existing guidance produced by the U.S. Department of Housing and Urban Development (HUD). Additional program information can be found on the HUD Exchange HOPWA Page. This manual provides guidance to MS Home Corporation and Project Sponsors for program administration.

Section 3. Program Definitions

Program Definitions & Acronyms

- ***Acquired Immunodeficiency Syndrome (AIDS):*** a medical diagnosis requiring a positive HIV test (Western Blot confirmed), and a CD4+ cell count below 200 cells per microliter OR CD4+ cells account for fewer than 14 percent of all lymphocytes OR a diagnosis of one or more of the AIDS-defining illnesses.
- ***Administrative Costs:*** Nonservice-related operating costs of administering the HOPWA program (may include salary, fringe, benefits, etc.) Project sponsor administrative costs are limited to 7% of the total project sponsor grant award.
- ***Beneficiary(ies):*** The HOPWA Client and family members (see definition for Family) receiving HOPWA assistance. Any individual(s) residing with the HOPWA Client whose income is not considered in the HOPWA Client's income eligibility criteria is not considered a beneficiary, i.e. roommates, paid caregivers, and live-in aides.
- ***Chronically Homeless Person:*** "An unaccompanied homeless individual with a disabling condition who has either been continuously homeless for a year or more **OR** has had at least four episodes of homelessness in the past three years." For this purpose, the term "homeless" means "a person sleeping in a place not meant for human habitation (e.g., living on the streets) or in an emergency homeless shelter." This does not include persons temporarily staying or living in someone else's residence.
- ***Disabling Condition:*** "A diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co- occurrence of two or more of these conditions." In addition, a disabling condition may limit an individual's ability to work or perform one or more activities of daily living. *An HIV/AIDS diagnosis is considered a disabling condition.*
- ***Domestic Violence Survivor:*** A self-reported current or past victim of domestic violence.
- ***Duplicated Count:*** A household/client that received more than one HOPWA service in the same project year, e.g. a client received both STRMU and TBRA or a client received both STRMU and Supportive Services.
- ***Eligible Individual:*** A person with HIV or AIDS who meets the income eligibility criteria as defined by the Income-eligible definition.

Section 3 Cont'd. Program Definitions

- **Emergency:** A situation that is short-term in nature and one that the case manager has reason to believe will put the client at risk of becoming homeless.
- **Family:** Per 24 CFR §574.3, the program defines family as it is defined in 24 CFR §5.403. Family, as defined in 24 CFR §5.403 includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - o A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
 - o A group of persons residing together, and such group includes, but is not limited to:
 - ☐ A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - ☐ An elderly family;
 - ☐ A near-elderly family;
 - ☐ A disabled family;
 - ☐ A displaced family; and
 - ☐ The remaining member of a tenant family.

Under 24 CFR §574.3, family includes one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or welfare, and the surviving member or members of any family described in this definition who were living in a unit assisted under the program with the PLWH at the time of their death. The language of these regulations, as amended by the "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule," ensures that HUD's core programs are open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. This means that any group of people that present together for assistance and identify themselves as a family – regardless of relationship, age, disability, or other factors – are considered to be a family and must be served together as such. Further, Project Sponsors cannot discriminate against a group of people presenting as a family based on the composition of the family, the age or disability of any family members, or the actual or perceived sexual orientation, gender identity, or marital status of any family members. The definition of "family" is flexible and, as such, HUD has broadly implemented the term "household" in place of "family."

NOTE: The old definition of "family," (persons related by blood or marriage) is not used. See "Household."

Section 3 Cont'd. Program Definitions

- **Family Unit:** A household composed of a HOPWA Client and 1 or more other beneficiaries.
- **Gross Rent:** The sum of combined rent and utilities costs. For rental assistance services, the gross rent of the proposed unit, including appropriate utility allowances must be at or below the lower of the rent standard or the reasonable rent.
- **HOPWA Client:** A person with HIV/AIDS who qualifies for and receives HOPWA assistance.
- **HOPWA Project Sponsor:** An agency that contracts with MHC to directly provide HOPWA services.
- **Household:** A single person or a group of persons residing together. See “Family.” Any group of people that present together for assistance and identify themselves as a household – regardless of relationship, age, disability, or other factors – are considered to be a household and must be served together as such. The term is used for collecting data on changes in eligibility, changes in access to services, and outcomes on achieving housing stability. Live-In Aides (see “Live-In Aide”) and non-beneficiaries (e.g., a shared housing arrangement with a roommate) who resided in the unit are not included in the household.
- **Housing Informational Services (HIS):** Counseling, information, and referral services dedicated to assisting eligible households locate, acquire, finance, and maintain housing.
- **Human Immunodeficiency Virus (HIV) Infection:** an infection caused by a virus that infects the body and destroys portions of the immune system and is documented by a positive serologic test.
- **Income-eligible:** Any individual or family whose income does not exceed 80 percent of the median income for the area (80% AMI), as determined by HUD, with adjustments for smaller and larger families. Project Sponsors MUST use the current HUD Income Limits to determine HOPWA program eligibility. *Income Limits Table:* shows income limits according to family size and is used to assess income eligibility for HOPWA assistance. <http://www.huduser.org/datasets/il.html>
- **In-Kind Leveraged Resources:** These involve additional types of support provided to assist HOPWA beneficiaries such as volunteer services, materials, use of equipment and building space. The actual value of the support can be the contribution of professional services, based on customary rates for this specialized support, or actual costs contributed from other leveraged resources. The value of any donated material, equipment, building, or lease should be based on the fair market value at time of donation. Related documentation can be from recent bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated.

Section 3 Cont'd. Program Definitions

- **Live-In Aide:** A person who resides with the HOPWA Eligible Individual and who meets the following criteria: (1) is essential to the care and welfare of the person; (2) is not obligated for the support of the person; and (3) would not be living in the unit except to provide the necessary supportive services. Live-In Aides are not considered household members.
- **Master Leasing:** Applies to Project Sponsors that lease units (single or scattered site) from an owner and sublease the units to clients. Project Sponsors facilitate housing by assuming the tenancy burden for households that may not be able to obtain a lease on their own due to poor credit, evictions, or lack of income. Assistance is not portable or transferable.
- **Non-HOPWA leveraged sources:** Refers to cash resources separate from the MHC HOPWA grant award, and may include: CDBG, HOME, ESG, SHP, S+C, Housing Choice Vouchers (Section 8), Low Income Housing Tax Credits (LIHTC), Historic Tax Credits, USDA Rural Housing Service, Ryan White programs, other federal programs, state funds, local government funds, and private philanthropy. While other HOPWA funds may be used in conjunction with this grant, the amounts are not counted as leveraged sources and performance is reported under the applicable HOPWA grant.
- **Non-HOPWA supportive services:** All other supportive services the HOPWA client receives related to HIV/AIDS and the client's well-being, including medical care, transportation, food, drug treatment, social services, etc.
- **Operating Costs:** Applies to facility-based housing that is owned by the Project Sponsor and currently open. Operating costs include day-to-day housing function and operation costs like maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and salary for staff costs directly related to the facility, but not staff costs for delivering services.
- **Outcome:** The HOPWA assisted households who have been enabled to establish or better maintain a stable living environment in housing that is safe, decent, and sanitary (per the regulations at 24 CFR 574.310(b)), to reduce the risks of homelessness, and improve access to HIV treatment and other health care and support.
- **Output:** The number of households that receive HOPWA assistance during the operating year.
- **Permanent Housing Placement (PHP):** Assistance for reasonable security deposits, not to exceed the amount equal to 2 months of rent, and related application fees and credit checks.
- **Program Income:** Gross income directly generated from the use of HOPWA funds, including repayments.

Section 3 Cont'd. Program Definitions

- **Project Sponsor:** Any nonprofit organization or governmental housing agency that receives funds under a contract with the grantee to provide eligible housing and other support services or administrative services as defined in 24 CFR §574.300. Project Sponsors are required to provide performance data on households served and funds expended.
- **Rental Assistance:** A housing assistance service that subsidizes the rent of a household, including assistance for shared housing arrangements. The subsidy amount is determined in part based on household income and rental costs associated with the household's lease. HOPWA rental assistance can be tenant- or facility-based. All rental assistance services are subject to the following components:
 - Housing Quality Standards Certification;
 - Rent Standard and Rent Reasonableness Certification; and
 - Rental Assistance Calculation.
- **Resource Identification (RI):** Activities that establish, coordinate, and develop housing assistance resources for eligible households (including preliminary research and expenditures necessary to determine the feasibility of specific housing-related initiatives).
- **Roommate:** A roommate relationship (i.e., a shared housing arrangement) is established for the purposes of sharing rent and utility bills in return for receiving a share of the space available. Roommates are not considered household members as they are households unto themselves. The household must identify whether an individual is a household member or a roommate at the time of application and at any subsequent renewals.
- **Short-term Rent, Mortgage, and Utility Assistance (STRMU):** A housing subsidy for short-term rent, mortgage, and utility payments to prevent homelessness of the tenant or mortgagor of a dwelling. This program provides assistance for a period not to exceed 21 weeks (147 days) worth of assistance in any 52-week period. These payments are for eligible individuals and their household beneficiaries who are already in housing and who are at risk of becoming homeless.
- **Supportive Services:** Assistance for case management, basic telephone service, and provision of smoke detectors. Supportive Services may be provided in conjunction with HOPWA housing assistance or as a stand-alone service (Supportive Services Only).
- **Tenant-based Rental Assistance (TBRA):** A housing subsidy for tenant-based rental assistance, including assistance for shared housing arrangements. It assists Income-eligible clients and their beneficiaries with rent and utilities until they are able to secure affordable, stable housing.
- **Rehabilitation:** means the improvement or repair of an existing structure, or an addition to an existing structure that does not increase the floor area by more than 100 percent.
- **Non-substantial rehabilitation:** means rehabilitation that involves costs that are less than or equal to 75 percent of the value of the building after rehabilitation.

- ***Substantial rehabilitation:*** means rehabilitation that involves costs in excess of 75 percent of the value of the building after rehabilitation.
- ***Eligible Person:*** means a person with acquired immunodeficiency syndrome or related diseases who is a low-income individual, as defined in this section, and the person's family. A person with AIDS or related diseases or a family member regardless of income is eligible to receive housing information services, as described in §574.300(b)(1). Any person living in proximity to a community residence is eligible to participate in that residence's community outreach and educational activities regarding AIDS or related diseases, as provided in §574.300(b)(9).
- ***Transgender:*** Defined as a person who identifies with, or presents as, a gender that is different from the gender assigned to them at birth.
- ***Veteran:*** Anyone who served or is currently serving in the military forces.

Section 4. Program Administration and Monitoring

Mississippi Home Corporation (MHC) is responsible for ensuring that grants are administered in accordance with the requirements of applicable laws. MHC is further responsible for ensuring that their respective project sponsors carry out activities in compliance with all applicable requirements at 24 CFR, Part 574.

Mississippi Home Corporation (MHC) monitors the Project Sponsor's participation in the Program to ensure compliance with program regulations promulgated by HUD at 24 CFR, Part 574 for HOPWA programs designed to benefit persons with HIV related needs. Effective oversight and monitoring recipients are important functions of MHC.

Mississippi Home Corporation (MHC) staff reserves the right to conduct monitoring visits with project sponsors. Visits may be scheduled as a matter of routine or based on project sponsor performance, fiscal reporting, program reporting or other areas of concern. Project Sponsors receiving HOPWA funding, will receive an on-site monitoring visit each contract year. After each monitoring visit is complete, MHC will send correspondence documenting findings and/or concerns, project accomplishments, areas of deficiencies and technical assistance needs. These areas will be highlighted in the report and serves to confirm issues discussed during the on-site monitoring review process and to give grantees notice of deficient areas requiring attention.

Mississippi Home Corporation (MHC) relies upon thorough application review and reimbursement of funds expended in lieu of advancing funds. Desk audits are often performed at MHC to test financial compliance. On-site monitoring, therefore, is limited in scope concentrating on eligibility of beneficiaries and a comparison of program records with the programmatic claims of the applicant.

Authorized Activities

MS Home Corporation authorizes the following program activities:

- A.** Short-Term Rent, Mortgage, and Utility (STRMU)
- B.** Tenant-Based Rental Assistance (TBRA)
- C.** Facility-Based Housing Assistance (FBHA)
- D.** Permanent Housing Placement (PHP)
- E.** Supportive Services
- F.** Housing Information Services
- G.** Resource Identification

Section 4. Program Administration and Monitoring Cont'd

HOPWA MONITORING SYSTEM

I. Introduction

HOPWA's monitoring process is a procedure for ensuring that the project sponsors are adhering to the federal and state regulations. The objectives of the monitoring processing are:

- to assist the project sponsor in carrying out its project in a timely method;
- to identify probable problem areas and to assist the project sponsor in complying with applicable laws and regulations;
- to assist project sponsor in resolving compliance problems through discussion, negotiation, or provision of technical assistance;
- to determine if each project sponsor complies with activity costs which are eligible under appropriate laws and regulations;
- to ensure the project sponsor is carrying out activities as described in the application submitted for funding;
- to offer adequate follow-up measures to ensure that performance and compliance deficiencies or problems are corrected by the project sponsor
- to determine if the project sponsor is leading the project with adequate control over program and financial performance, and in a way, which minimizes the chance for mismanagement;

- II. **Selection/Risk Analysis-** A "risk analysis" shall be conducted. This technique will establish the priorities for monitoring and to determine where resources can be best applied. The risk analysis can determine which project sponsor should be monitored, the program areas to be covered and the depth of the review. The selection process would ensure that the HOPWA project sponsors are conducting the project with adequate control over the program and financial performance which eliminates the chance for mismanagement, fraud or waste.

Project sponsors should be selected for monitoring within each program and technical area using general risk factors of *program complexity, project sponsor capacity, recent problems, and past performance*.

A. Program Complexity

- Projects undertaken by sub-recipients

B. Project Sponsor Capacity

- Inexperienced staff
- No progress
- Low productivity
- Difficulty in carrying out the program

C. Recent Problems

- Incorrect or incomplete performance reports
- Audit findings or no audit at all
- Program participants complaints
- Issues remaining from previous grant cycle year

D. Past Performance

- Frequent audit findings

Section 4. Program Administration and Monitoring Cont'd

III. Scheduling

The project sponsor will be notified, in writing, at least two weeks prior to the monitoring visit. The notification includes the following:

- the date and time of the on-site review
- name(s) and number(s) of the person(s) conducting the review
- purpose of the review
- a list of documents to be reviewed (these documents should be readily available)
- a request that the project sponsor's representatives and other appropriate staff be available during the review (i.e., financial staff, etc.)

IV. On-Site/Desk Monitoring

The MHC's HOPWA representative will monitor the terms and conditions of its contract with the project sponsor. This includes: rate of expenditures, eligibility of expenses, and implementation of eligible activities under the HOPWA Program.

A. Monitoring Preparation

The on-site review involves the completion of a standardized monitoring desk review form, which requires the following:

- the name of the grant file being reviewed
- the name of the authorized official (Executive Director)
- the beginning and the ending date of the contract
- a listing of the number of requests for cash as of date of review and the amount of each request

B. Monitoring Review

On- site Visit

- An initial and exit interview will be held with the Project Sponsor Representatives. A series of questions will be asked relating to the capacity of the organization, program effectiveness, contractual compliance and any recent changes that the organization has endured. The HOPWA representative will explain the review process that will occur throughout the remainder of the visit to verify that all required information is accessible.
- The HOPWA representative will review the client files thoroughly to ensure eligibility compliance with all federal regulations. Incomplete files will be notated.
- Documents will be reviewed to verify that the organization is keeping appropriate and sufficient records. MHC reserves the right to have access to any financial back-up documentation to determine whether unnecessary or unreasonable expenditures occurred.
- MHC HOPWA representative will review proper documentation on client's eligibility, rent restrictions, and disbursements.

Section 4. Program Administration and Monitoring Cont'd

- MHC HOPWA representative will review the environmental clearance will be verified to certify that the project sponsor is following federal and state regulations relative to environmental activities in federally assisted grants.
- The procurement process will be reviewed to check for compliance with federal and state guidelines relative to the procurement of supplies, equipment, construction, and services for federally assisted grants.

Desk Monitoring

- MHC staff will monitor projects through a desk monitoring procedure of documents submitted relevant to on-site visits procedure.

C. Monitoring Report

- MHC will mail a Monitoring Review Results letter to the project sponsor within 30 business days of the monitoring visit. The letter will include the strengths and weaknesses of the organization. Also, if there are any deficiencies that needs corrective action, it will be included in the letter. A deadline will be given to the project sponsor to clarify all deficiencies for compliance (i.e. a follow-up visit, written response, etc.). If there are no findings (deficiencies), a compliance letter will be mailed to the project sponsor.

No response or if the project sponsor fails to complete all corrective actions in the time allotted, a letter will be sent detailing areas of non-compliance along with sanctions that will be taken (including possible funding decrease) if the situation is not corrected. No RFCs will be paid on any of the project sponsor's contracts until all findings have been corrected.

Section 5. Audits

AUDITS

The Federal Office of Management and Budget (OMB) Circular 2 CFR 200.501 requires that a state, local government or non-profit organization expending \$750,000 or more a year in total cumulative Federal funds must have a Single Audit made in accordance with the Single Audit Act. This audit report must be submitted and received by the Federal clearinghouse designated by OMB and the Federal awarding agency or pass-through entity, **no later than nine months following the end of the grant recipient's fiscal year in which the Federal funds were expended.**

If a Single Audit is required, and any of the funds expended were received through MHC requires that a copy of the Single Audit report must be submitted and received by the HOPWA staff **no later than nine months following the end of the grant recipient's fiscal year in which the Federal funds were expended.**

If a Single Audit is **not** required, (and any of the funds expended were received through MHC), MHC requires that an acceptable Funding Certification Form (for that year only) be submitted and received by the HOPWA staff. It must be received **no later than nine months following the end of the grant recipient's fiscal year in which the Federal funds were expended**, but no sooner than the end of the same fiscal year.

While a qualified Funding Certification Form will exempt the grant recipient from submitting a Single Audit to the HOPWA staff for the specified fiscal year, it does not exclude the grant recipient from any other requirements of audits or financial statements as requested by MHC or any other Agency or Authority.

Within six months after receipt of grant recipient's Single Audit report or Funding Certification Form, the HOPWA staff will send a written management decision regarding the review of the submitted reports.

Audits should be mailed to:

Mississippi Home Corporation
735 Riverside Drive
Jackson, MS 39202

Section 6. Sponsor Agency Reimbursements

REIMBURSEMENT POLICY

The MHC staff shall process Requests for Cash/Consolidated Support Sheets and forward the documents to the MHC Finance Department within 30 days of a **correctly submitted** Request for Cash.

In the event of questions, errors, or discrepancies regarding submitted document(s), MHC staff shall contact the designated Project Sponsor financial officer to discuss the issue. **MHC staff will not make any corrections or other changes to the Request for Cash and/or Consolidated Support Sheets. It is the Project Sponsor's responsibility to submit a true and correct document.**

All Requests for Cash/Consolidated Support Sheets submitted by the sub-recipient shall be maintained by both the HOPWA staff and the Finance Department of the MHC.

1. The Request for Cash shall always be accompanied by the Consolidated Support Sheet and invoices to support all costs.
2. At least one Request for Cash must be submitted **monthly**. You may submit more than one after approval, but you must submit **AT LEAST** one month.
3. A Request for Cash must not include cost incurred during two of the Project Sponsor's State's fiscal years. An individual cost falls into the fiscal year in which it is incurred based on invoice date.
4. Costs eligible for reimbursement must be incurred during the contract period.
5. The Project Sponsor is responsible for providing a Monthly Report. This will include beneficiaries and financial reporting. Failure to submit these documents monthly will result in a delay of processing the Request for Cash.
6. Sub-recipients must comply with policies and procedures for submitting the annual CAPER (HMIS/Comparable Database). All HOPWA Project Sponsors must submit the report to MHC by July 15th of each reporting year. Reporting periods run from July 1 through June 30th of the subsequent year.

Section 7. Administrative Agency and Project Sponsor Roles and Responsibilities

Project Sponsor Roles and Responsibilities

Grantees must comply with all applicable state and federal policies, standards, and guidelines as specified in the contract and is responsible for ensuring efficient, effective, and proper implementation of the HOPWA program in its geographic area of responsibility.

Project Sponsors must properly manage HOPWA funds in compliance with MHC and HUD regulations. Local HOPWA policies should be developed as needed and these policies may address, but are not limited to, issues surrounding moving clients into the Housing Choice Voucher Program (Section 8) or other affordable housing programs, setting financial caps for STRMU, charging to appropriate contracts (costs incurred in one contract year cannot be paid with funds from a different contract year), and setting stricter eligibility requirements beyond standard guidelines. Additionally, Project Sponsors' administrative costs shall not exceed seven (7) percent of the amount of funds received by the Project Sponsor.

Project Sponsors should have policies in place that identify and handle potential conflicts of interest on the part of board members, staff person, and other representatives of the organization, such as volunteers.

Beginning in fiscal year (FY) 2012, HUD required as a condition of funding that Grantees ensure that each project sponsor agrees to either obtain a certificate of completion of HOPWA Financial Management Online Training by at least one of its employees, or to demonstrate financial management capacity by the use of other credentials related to Federal requirements at Title 24, Code of Federal Regulations (CFR), Part 85.20, as specified in a HUD-approved plan. To ensure compliance, MHC will require that at least one employee of each Contractor or sub-recipient has completed the online Financial Training. The HOPWA applicant must submit a copy of the certificate of completion during the application process.

Organizational Policies and Procedures

Written Board approved policies must be developed to address the following issues:

- HIV diagnosis documentation
- Housing Quality Standards
- Supportive Services and Case Management Activities
- Client rent
- Termination of Assistance
- Nondiscrimination and Equal Opportunity Requirements
- Records and Reports
- Determining Eligibility to clients and scope of services to be provided
- Memorandum of Understanding with housing and supportive service providers

Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities

1. Administrative Agency Roles and Responsibilities

- A.** Must comply with all federal and state regulations, policies, standards, and guidelines as specified in the contract and this manual.
- B.** Must confirm that Project Sponsors manage program funds in compliance with HUD and MHC regulations.
- C.** Must assure that Project Sponsor administrative costs, including non-service and indirect costs, do not exceed seven percent of each Project Sponsor's total program allocation.
- D.** Must ensure that Project Sponsors implement the program efficiently, effectively, and properly in the target area(s).
- E.** Must collaborate with Project Sponsors to develop local program policies as needed. Local policies:
 - i.** Should not conflict with federal and state regulations, policies, standards, and guidelines; and
 - ii.** May address, but are not limited to, issues related to transitioning assisted households into the Housing Choice Voucher (HCV) Program or other affordable housing programs, establishing alternate STRMU Caps, and applying stricter program eligibility or service requirements beyond basic regulations. Project Sponsors may consult with local housing experts for policy development.
- F.** Must safeguard against conflicts of interest. In addition to the conflict of interest requirements in 2 CFR §200.317 (for recipients and subrecipients that are States) and 2 CFR §200.318 through §200.326 (for recipients and subrecipients that are not States), no person who is an employee, agent, consultant, officer, or elected or appointed official of the Administrative Agency and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter. Administrative Agency should have policies in place that identify and handle real or potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. HUD requires such a policy, which are often part of an organization's "code of conduct" for board, staff, and volunteers. It is advisable to have a copy signed by all members listed above on an annual basis.

2. Project Sponsor Roles and Responsibilities

- A.** Project Sponsors must comply with all federal and state regulations, policies, standards, and guidelines as specified in the subcontract and this manual.
- B.** Project Sponsors must manage program funds in compliance with HUD and MHC regulations and charge costs to the appropriate contract (costs incurred in one contract year cannot be paid with funds from a different contract year). Current and historical spending data should be used for service planning purposes.
- C.** Project Sponsors must ensure administrative costs, including non-service and indirect costs, do not exceed seven percent of their total program allocation.
- D.** Project Sponsors must implement the program efficiently, effectively, and properly in their

Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities

target areas.

- E. Project Sponsors must collaborate with the Administrative Agency to develop local program policies as needed.
- F. Project Sponsors must file Internal Revenue Service (IRS) Form 1099 for TBRA, STRMU, FBHA, and PHP rent payments to individuals and partnerships. If a Project Sponsor makes rent payments of \$600.00 or more to property owners in any calendar year, then they must report this to the IRS on form 1099-MISC, Box 1, "Rents" (Revenue Rule 88-53). To comply with this requirement, Project Sponsors must obtain the taxpayer identification number (TIN), social security number (SSN), or employer identification number (EIN) of all entities to which it will make rent payments. To accomplish this, Project Sponsors must issue IRS Form W-9 to all property owners. Form W-9 must be completed and returned to the Project Sponsor before any rent payments are made. Form 1099-MISC must be completed and issued to each "person" who has been paid \$600.00 or more in rent every calendar year. Persons include individuals and partnerships. Form 1099-MISC must be issued to the property owner by January 31st and submitted to IRS no later than February 28th. Form 1099-MISC does not need to be issued to corporations or utility vendors. Copies of IRS Forms W-9 and 1099-MISC as well as detailed instructions on their completion can be obtained from the IRS [website](#).
NOTE: MHC Project Sponsors cannot pay clients directly.
- G. Project Sponsors must safeguard against conflicts of interest. In addition to the conflict of interest requirements in 2 CFR §200.317 (for recipients and subrecipients that are States) and 2 CFR §200.318 through §200.326 (for recipients and subrecipients that are not States), no person who is an employee, agent, consultant, officer, or elected or appointed official of the Project Sponsor and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter. Project Sponsors should have policies in place that identify and handle real or potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. HUD requires such a policy, which are often part of an organization's "code of conduct" for board, staff, and volunteers. It is advisable to have a copy signed by all members listed above on an annual basis. If it is found that a conflict of interest has occurred, the grant recipient may be required to repay program funds, using non-federal funds. Failure to repay the funds may result in termination of participation in any future HUD funded programs. **There will be no exceptions to this guidance granted by MHC.**
- H. Project Sponsors cannot charge households with any fees other than rent.
- I. Project Sponsors cannot acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under §574, or commit or expend HUD or local funds for such eligible activities under §574, until the responsible entity (as defined in §58.2) has completed the environmental review procedures required by §58 and the Request for Release of Funds (RROF) and Certification have been approved. HUD will not release grant funds if MHC commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such

Section 7. Cont'd. Administrative Agency and Project Sponsor Roles and Responsibilities

funds) before a Project Sponsor submits and HUD approves its RROF (where such submission is required). Project Sponsors must supply all available, relevant information necessary for the responsible entity to perform for each property any environmental review required by §574.510.

Project Sponsors must also carry out mitigating measures required by the responsible entity or select alternate eligible property.

NOTE Project Sponsors must consult with the MHC to identify all environmental compliance actions for each proposed activity.

Section 8. Confidentiality

1. Ensure Confidentiality

Per 24 CFR §574.440, AAs and Project Sponsors must ensure the confidentiality of all records by developing a comprehensive local program policy for confidentiality and consistently following the procedures. The policy must define confidential data and protected health information (PHI), describe how confidentiality is maintained, and outline breach procedures, notification requirements, mitigation activities, sanction levels, and requirements for duty to warn or report. The policy must provide a confidentiality training schedule (annually at a minimum) and designate a staff member as responsible for privacy and security (e.g. Privacy or Security Officer, Overall Responsible Party [ORP] or Local Responsible Party [LRP], Privacy Liaison, etc.). The policy should explain measures the AA and Project Sponsor take to prevent unintentional disclosures, such as via agency logos or other identifying information on checks, letters, notifications, forms, envelopes, etc. that could imply a household member is living with HIV. For example, this could be accomplished by establishing a housing assistance checking account using a neutral account name such as “Housing Fund” or “Assistance Fund.”

Confidentiality of all records is required. Project Sponsors are required to have a written confidentiality policy and assure confidentiality of client name, information, and records. 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. There may be exceptions to client disclosure as required by law. 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. Confidentiality requirements are set forth under the HUD regulations, 24 CFR 574.440.

2. Consent to Release and/or Obtain Confidential Information

Prior to exchanging information with any other agency or entity, Project Sponsors must first secure a release of information from the client. There may be exceptions to client disclosure as required by law. **Consent to Release and/or Obtain Confidential Information** must be completed and signed by the client identifying specific individuals or organizations to which confidential information may be disclosed and must be resigned annually. In the absence of specific written authorization, information identifying an individual’s HIV status may not be disclosed by the Project Sponsor to any individual or organization.

Section 9. Program Accessibility

Application Office Location

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

Providing Information About Housing Assistance

Ryan White and State Services applicants should be informed of housing assistance services during intake and existing clients should be informed during routine medical, psychosocial, or other appointments. Project Sponsors should assess the housing needs of all clients. When a household requests housing assistance, the housing case manager should inform them of the program. At minimum, the information should include:

- HOPWA housing assistance available;
- The application process;
- Documentation needed to determine program eligibility and qualifications for specific program services;
- Current waitlist and priority populations, if applicable; and
- Potential interview dates and times.

Methods of Taking Applications

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

A. Regular Office Interviews

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

B. Special Office Interviews

If an interested household is unable to apply for the program during regular business hours, then a Project Sponsor should arrange an off-hour interview.

C. Home Visit Interviews

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

The Project Sponsor should explore other housing assistance options that may be available to the applicant before utilizing HOPWA assistance and document any referrals and efforts to access other resources.

Information Sharing

Project Sponsors must share program information and eligibility criteria routinely with other HIV prevention and care agencies and local housing authorities in their local service area(s). To accomplish this, Project Sponsors could post program information on their websites and social media platforms or distribute program information via pamphlets, fliers, and/or email lists. Project Sponsors must document how they shared program information each program year.

Section 10. Fair Housing, Nondiscrimination, and Equal Opportunity

1. Fair Housing Act

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, religion, sex, age, national origin, familial status, or disability. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include zoning practices, new construction design, and advertising. For more information about the Fair Housing Act, visit HUD's Office of Fair Housing and Equal Opportunity [website](#). For fair housing outreach and marketing tools, visit HUD's Fair Housing Marketing website. To file a fair housing complaint with HUD, visit HUD's File a Complaint website.

2. Affirmatively Furthering Fair Housing

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal grantees further the purposes of the Fair Housing Act. MHC supports Project Sponsors in their efforts to take meaningful actions that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. As provided in the final rule, AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant's activities and programs relating to housing and urban development." AAs and Project Sponsors must report efforts to Affirmatively Further Fair Housing in their Semi-Annual and Year-End Program Progress Reports (PPRs).

3. Americans with Disabilities Act

Per 24 CFR §574.603(a)(1), MHC and Project Sponsors must comply with the applicable provisions of the Americans with Disabilities Act (42 USC 12101-12213) and implementing regulations at 28 CFR §35 (States and local government grantees) and §36 (public accommodations and requirements for certain types of short-term housing assistance).

4. Affirmative Outreach

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

Section 10. Cont'd. Fair Housing, Nondiscrimination, and Equal Opportunity**5. Reasonable Accommodations**

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. The Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, an owner with a "no pets" policy may be required to grant an exception to this rule and allow a household member who is blind to keep a guide dog in the residence. The Act also requires owners to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

Section 11. Program Eligibility

1. Program Eligibility Criteria

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

- A. At least one household member must be living with HIV (24 CFR §574.3);
- B. Household annual gross income cannot exceed 80 percent of area median income per the household's county of residence (24 CFR §574.3); and
- C. The household must reside in the Project Sponsor's target service area (MHC requirement).

2. Program Eligibility Confirmation and Documentation Requirements

Before applicant households are enrolled in the program, Project Sponsors must confirm their eligibility by obtaining complete and acceptable eligibility documentation. Eligibility documentation must be maintained in the household's file. Project Sponsors must notify households of their program eligibility (eligible or ineligible) in writing. Eligibility for participation in the program shall be confirmed by obtaining:

A. **Proof of HIV seropositivity for at least one household member**

(Documentation must predate the initial eligibility certification date.)

There are a number of different ways to document that a person is living with HIV. Proof of HIV may be found in laboratory test results or other forms of documentation that bear the client's name. Examples of acceptable forms of eligibility documentation are provided below. This is not a complete list.

NOTE: HIV testing technology changes rapidly and standards for HIV confirmation continue to evolve. Project Sponsors must stay informed of advances as newer tests may also provide proof of HIV.

- i. Positive result from HIV screening test (Multi-Spot, HIV 1/2 Combo Ab/Ag Enzyme Immunoassay [EIA]);
- ii. Positive result from an HIV 1 RNA qualitative virologic test such as a HIV 1 Nucleic Acid Amplification Test (NAAT);
- iii. Detectable quantity from an HIV 1 RNA quantitative virologic test (e.g. viral load test);
- iv. Report of detectable HIV "viral load" that includes the name of the client;
- v. A signed statement from a physician, physician's assistant, advanced practice nurse, or registered nurse attesting to the HIV-positive status of the person;
- vi. A completed THMP Medical Certification Form signed by the physician; or
- vii. A hospital discharge summary documenting that a person is living with HIV.

Client records from a client's previous service provider may be used for the purpose of confirming the client's program eligibility if those records contain one of the forms of proof listed above.

Section 11. Cont'd Program Eligibility

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

- i. Per 24 CFR §5.609, income includes, but is not limited to:
 - a. Gross wages, salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services
 - b. Net income from operation of a business or from rental or real personal property
 - c. Interest, dividends and other net income of any kind for real personal property
 - d. Full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts except as provided in line 14 of Annual Income Exclusions
 - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay except as provided in line 3 of Annual Income Exclusions
 - f. Temporary Assistance for Needy Families (TANF), including amounts designated for shelter and utilities
 - g. Alimony, child support payments, and regular contributions from organizations or from persons not residing in the dwelling
 - h. All regular pay, special pay and allowances of a member of the Armed Forces except as provided in line 7 of Annual Income Exclusions.
- ii. Project Sponsors must use [Household Income Eligibility Worksheet](#) to document and annualize household gross income and determine household income eligibility for the program. This worksheet must be completed before initial eligibility certifications and annual eligibility recertifications. Also, the form must be completed if household eligibility factors have changed.
- iii. If any household member 18 years of age and older reports that they have zero income or have attempted but cannot obtain third party proof of income, the household member must complete and sign a [Self-Declaration of Income](#).
- iv. The [Determining Household Annual Gross Income Guide](#) outlines acceptable forms of documentation, whose income is counted, and income inclusions and exclusions.

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

(The household must reside in the Project Sponsor's target service area. Documentation must be current as of the eligibility certification or recertification date.)

Section 11. Cont'd Program Eligibility

- i. Documentation evidencing tenancy includes a lease naming the household member as the leaseholder or occupant. Documentation must include an address in the Project Sponsor's service area.
- ii. Documentation evidencing ownership of encumbered property includes a deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the household as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the eligible person or a resident member of the household as the property owner/debtor. Documentation must include an address in the Project Sponsor's service area.
- iii. Documentation evidencing a utility account in a household member's name with a utility vendor. Documentation must include an address in the Project Sponsor's service area.
- iv. If any household member 18 years of age and older reports that they do not have a fixed address or have attempted but cannot obtain third party proof of current residency, the household member must complete and sign **Self-Declaration of Residency**.

NOTE: Self- Declaration of Residency is only used for program eligibility determination purposes. It cannot be used as a supporting document for housing assistance payments. Households must receive services in the service area in which they reside per their proof of residency. However, MHC may make exceptions on a case-by-case basis, if justified and with advance written approval from MHC.

Criteria	<ul style="list-style-type: none"> • At least one household member must be living with HIV. • Household annual gross income cannot exceed 80 percent of area median income per the household's county of residence. • The household must reside in the Project Sponsor's SERVICE AREA .
Proof	<ul style="list-style-type: none"> • Proof of HIV seropositivity for at least one household member • Proof of gross income for all household members 18 years of age and older • Proof of current residency for all household members 18 years of age and older
Documentation	<ul style="list-style-type: none"> • Proof of HIV: Documentation must predate the initial eligibility certification date. • Proof of Income: The MHC HOPWA Determining Household Annual Gross Income Guide outlines acceptable forms of documentation, whose income is counted, and income inclusions and exclusions. Documentation must be complete and cover the 30 days preceding the eligibility certification or recertification date. • Proof of Residency: The household must reside in the Project Sponsor's SERVICE AREA . Documentation must be current as of the eligibility certification or recertification date.

3. Annual and Interim Program Eligibility Recertifications

A. Annual Eligibility Recertifications

After an initial eligibility certification, household program eligibility must be recertified annually (every 12 months) at minimum so that housing assistance and supportive services may continue. For annual eligibility recertifications, households must provide proof of gross income and current

Section 11. Cont'd Program Eligibility

residency per the Program Eligibility Confirmation and Documentation Requirements above. Also, all Program Enrollment and applicable Service forms must be completed again.

B. Interim Eligibility Recertifications

Household program eligibility must be recertified if household eligibility factors have changed during an annual eligibility period. Project Sponsors must complete [the Recertification Worksheet](#) if household income, residency, and/or composition have changed and the household will remain in the program. Recertification Worksheet provides instructions for documenting the changes, describes how the changes affect household program eligibility, and notes which program forms must be updated and attached as a result of the changes. A change in household income, residency, or composition may affect other program eligibility criteria and rental assistance components. Project Sponsors must follow the instructions on the Recertification Worksheet carefully to ensure proper documentation all possible changes.

- i. *Change in Household Income.* The MHC HOPWA Program defines a change in income as \$200.00 or more per month to align with HUD's [Occupancy Requirements of Subsidized Multifamily Housing Programs](#), (see Chapter 7: Recertification, Unit Transfers, and Gross Rent Changes, Section 2: Interim Recertification). Nonetheless, households may request an interim recertification for a change in income of any amount at any time during an annual eligibility period. Attach documentation of the change in income to the Recertification Worksheet (documentation must be complete and cover the 30 days preceding the interim recertification date). If household annual gross income exceeds 80 percent of AMI, the household is no longer eligible for the program.
- ii. *Change in Household Residency.* Attach documentation of the change in residency (documentation must be current as of the interim recertification date). If the household is outside of the Project Sponsor's service area, program services will end immediately and the household may seek services from the HOPWA provider in their new service area. If household annual gross income exceeds 80 percent of AMI, the household is no longer eligible for the program. Complete and attach the Rent Standard and Rent Reasonableness Certification and Rental Assistance Worksheet for TBRA or Maser-Leased households and the Household Income Eligibility Worksheet and Housing Quality Standards Certification forms for all households.

Change in Household Composition. Attach eligibility documents for all new household members 18 years of age and older to the Interim Recertification Worksheet. If the household does not include a household member living with HIV, the household is no longer eligible for the program unless the household qualifies for the Project Sponsor's grace period. If household annual gross income exceeds 80 percent of AMI, the household is no longer eligible for the program.

Section 12. Eligible HOPWA Activities

Eligible activities are those named in current HUD regulations (24 CFR 574.300) for the HOPWA Program that include but are not limited to the following: housing, housing or fair housing information, acquisition, rehabilitation, limited new construction, rental assistance (including shared housing), home- less prevention, supportive services (to include health, mental health, assessment, drug and alcohol, day care, personal assistance, nutritional services, etc.), general case management, housing operating subsidies, and technical assistance.

Short- Term Rent, Mortgage, and Utilities (STRMU) Program

STRMU is a preventive housing intervention intended to reduce the risk of homelessness and is intended for use in conjunction with other HOPWA efforts to stabilize assisted persons. STRMU payments are for eligible individuals and their household family members who are already in housing and who are at risk of losing that housing. STRMU should not be used to assist a client with locating a housing unit or with other move-in support, as the household should already have a housing arrangement.

Eligible Applicants for STRMU

Households applying for STRMU must meet HOPWA eligibility. Additionally, eligible households must:

- Have a legal residency in the identified housing and/or be responsible for payments; **and**
- Household must demonstrate need for the assistance.
- If the eligible HOPWA applicant is a minor, there must be documentation from the adult in the household of legal guardianship of that eligible minor. The eligible minor must reside in the house at least 51% of the time.

Eligible Housing Status for STRMU

Housing Status	Allowable Housing Status Type
Own Home	Yes
Own Apartment	Yes
Mobile Home (Manufactured housing)**	Yes
Shared Living**	Yes
Motel/Hotel	No
Emergency Shelter	No
Living with Adult Family Member -	<p>Entire household is assisted: All household income is included, entire household meets low income eligibility and STRMU evidence of need</p> <p>Household member is renting a unit/room from an adult family member and a "reasonable accommodation" is determined necessary for the client</p>

**Mobile Homes- To qualify for HOPWA STRMU assistance the mobile home must be attached to the

ground, connected to utilities, and meet local housing guidelines. Space rental cost in a mobile home park can be eligible. If the mobile home is not attached to the ground, it is considered personal property and is not eligible.

****Shared Living-** If the HOPWA applicant is in a documented shared living situation, only the assisted individual income will be used for assessment calculations.

Evidence of Need

STRMU assistance is needs-based and is intended for use during a financial crisis due to HIV/AIDS health condition or change in economic circumstances. To qualify for STRMU, sub-recipient must document evidence of need which must demonstrate lack of resources to meet:

- Rent cost.
- Mortgage cost
- Utility cost

...and without STRMU, the household will be at risk of homelessness.

Acceptable documentation used to establish need may include:

- Documented review of all household bills
- Documented review of Bank Statements- showing limited resources available.
- Documented review of income along with review of household bills and limited resources available.
- Household budget review and assessment
- Current, past and ongoing financial situation, status of employment or benefits and HIV/AIDS health-related conditions

****Default and late payment notice are not a requirement but can be used to demonstrate evidence of need.**

Eligible Use of STRMU Funds

STRMU Assistance	Criteria	Evidence	Eligible Payments
Rental Assistance	Legal right to reside in the unit, and responsibility for rent payment	Evidence includes a lease naming the tenant as the leaseholder or an eligible household occupant, or a default/late payment notice that identifies the eligible person or a resident member of the family as a named tenant under the lease.	Rent
Mortgage	Must demonstrate resident owner of mortgaged real property	Evidence of ownership includes a deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the family as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the eligible person or a resident member of the family as the property owner/debtor	Mortgage Property Taxes, condo fees, homeowners insurance included in the mortgage payment
Utility	Must reside in the unit legally, and responsibility for utility payment	Evidence includes a utility account in their name or proof of responsibility to make utility payments, such as cancelled checks, money orders, or receipts in their name from a utility company	Utilities – NOT internet, cable, or phone service

****Utility accounts are not required to be in the qualified applicant's name.**

STRMU Habitability Standards

A visual assessment is not required for STRMU; however, subrecipients are required to work with the household to verify that the housing is habitable and that the household is not living in substandard housing.

STRMU Lead Based Paint

HUD has six requirements regarding Lead Based Paint:

1. Provision of HUD's lead based paint pamphlet
2. If there is lead paint in the unit, a disclosure notice must be provided to occupants
3. If the lead based paint screening triggers a visual assessment, then a visual assessment must be completed
4. Paint stabilization (if applicable)—chipped and powered paint
5. Ongoing lead-based paint maintenance (if applicable)
6. Response to a child with elevated blood lead levels.

Does Apply...if	Does NOT Apply...if
<ul style="list-style-type: none"> • STRMU assistance will continue more than 100 consecutive days; • Housing was built before 1978; and • Household has members who are pregnant or are children under the age of six 	<ul style="list-style-type: none"> • STRMU assistance will continue 100 or fewer consecutive days; • Assisted unit is a zero-bedroom unit; • Household does not have members who are pregnant or are children under the age of six; or • Housing was built in 1978 or after

Eligible STRMU Assistance Time Limits

The goal of STRMU assistance under the HOPWA program is to provide short-term interventions that help maintain stable living environments for households who are experiencing a financial crisis as a result of issues arising from their HIV/AIDS condition or change in economic circumstances. STRMU assistance is a type of prevention that is intended to reduce the risks of homelessness, and, along with other HOPWA efforts, to improve access to health care and other needed support. This can be done by the creation and use of individual housing service plans that include an assessment of current resources and establish long-term goals for recipient households along with access to other support, where needed. STRMU can be used in conjunction with other HOPWA programs like STRMU and PHP to improve housing stability. Whenever possible, households are encouraged to contribute financially towards their housing stability.

Limit of 21 Weeks. STRMU assistance may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period. Therefore, program staff are required to examine the periods of time covered by rental, mortgage and utility bills to assure that payments are not made in excess of amounts incurring over 21 weeks.

All STRMU costs may be equated to the actual calendar days of assistance provided; however, HOPWA allows other acceptable methods for equating and tracking the “benefits period” as most costs relate to monthly billing cycles for rent, mortgage or utility payments. Once a grantee selects the method it intends to use for calculating the maximum allowable period of benefits, the grantee must use that particular method for every project sponsor. The purpose of allowing these three methods is to help grantees establish clear

procedures for tracking the application of this 21 -week limit on such monthly costs.

The three standard methods are as follows:

- (1) **CALENDAR DAYS OF ASSISTANCE.** This method would be equal to the actual days for which housing and/or utility payments are made on behalf of the client household. The limit of 21 weeks is equated to 147 days of assistance in the year.
- (2) **ROUNDING A MONTH TO FOUR WEEKS.** This method rounds each month to four weeks, allowing for up to 21 weeks in the benefits period. Rental and mortgage costs generally cover a

Section 12. Cont'd. Eligible HOPWA Activities

calendar month period consisting of slightly more than four full weeks. This method allows for 5 months and one week of assistance as the limit, regardless of the number of days in those months.

- (3) COUNTING FULL AND PARTIAL WEEKS.** This method tracks twenty-one weeks of assistance based on 52 weeks per year, divided by 12 months, rounded to 4.3 weeks per month. A full month's rent would be tracked as 4.3 weeks; 75% of a month's rent would be tracked at 3.2 weeks, 50% of a month's rent would be tracked as 2.2 weeks, and 25% of a month's rent would be tracked at 1.1 weeks of assistance.

The chart below is intended to clarify how STRMU payments and other HOPWA eligible housing activities can be used to help households achieve more stable housing arrangements. Rows 1-6 are eligible housing activities under HOPWA-funded programs. Short-term rent, mortgage and utility payments to prevent homelessness of eligible persons is listed in column A, and other related HOPWA eligible activities in columns B-E.

Section 12. Cont'd. Eligible HOPWA Activities

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

Ineligible STRMU Cost

STRMU assistance may not be used for....

- Households receiving rental assistance for the same period of time they are receiving rental assistance from HOPWA or another federal, state, or local housing assistance program
 - This means that a household utilizing a Housing Choice Voucher or any other type of rental assistance cannot use STRMU for their portion of the rent or for utility assistance
- Household who are currently homeless
- Households moving into a new housing arrangement

- Moving assistance, security deposits, or first month's rent
- Support for an open line of credit or loan that was secured by the house
- Taxes and insurance paid separately after the first or second mortgage is paid in full
- Assistance for payment towards personal loans or credit debts secured against the unit
- Assistance for a second mortgage when the first mortgage payments are not current or down-payment assistance to support purchase of new unit
- Household supplies, furnishings, automobile/transportation, and phone service costs

Section 12. Cont'd. Eligible HOPWA Activities

Tenant- Based Rental Assistance (TBRA) Program

The primary objective of the TBRA program is to assist eligible applicants to secure safe, decent, and sanitary housing in the private rental market in cities and counties in Mississippi. This program allows individuals/families to choose a neighborhood in which they prefer to live and helps to upgrade and maintain the quality of neighborhoods.

Rent payments to any vendors including landlords or mortgage companies cannot be approved without a W-9 form. Sponsors are responsible for completing 1099 annually for individual landlords receiving rental payments in excess of \$600 annually. Mortgage companies, property management companies, and real estate companies are not required to provide these numbers.

Moving forward at annual recertification and for new HOPWA TBRA, a participating head of household will sign a self-sufficiency agreement that he/she will diligently pursue an educational or training program designed to maximize the participants' income or, when feasible, will pursue employment that will allow the participant to acquire market-rate housing or other permanent housing with long-term rental assistance. Individuals that are eligible for public benefits will also be encouraged to apply for those benefits and other mainstream resources to maximize their annual household income and further the program goal of self-sufficiency. These services are available through community service agencies and are not being provided directly by the MHC TBRA program. Each program participant, with assistance from Sponsor, will select their own support service provider to assist and execute their self-sufficiency plan.

Rent Payments

Each person receiving TBRA must pay a portion of the rent, including utilities. Each HOPWA client must pay the higher of:

- 30 percent of the family's monthly-adjusted income (adjustment factors include the age of the individual, medical expenses, size of family and child care expenses etc.)
- 10 percent of the family's monthly gross income
- The HOPWA Project Sponsor must pay the balance of the rent up to the lesser of the contract rent or the most current Fair Market Rent (FMR) value or reasonable rent for comparable units in the area. Any documentation used to determine TBRA assistance must be documented in the client's file. HOPWA funds must not be given directly to a client. Link to current Fair Market Rent table <http://www.huduser.org/portal/datasets/fmr.html>.

Individual Housing and Services Plan

HOPWA regulations require appropriate supportive services to be provided as part of any HOPWA-assisted housing. Individualized plans are required as a means to address the HOPWA outcome goals. This plan should be made in collaboration with qualified household. The plan should address all needs and barriers to housing stability identified through the assessment. Regular follow-up should occur at a frequency appropriate to need. HOPWA requires at least annual income and rent recertification, presenting an opportunity for reassessment. An essential tool for clients struggling to maintain housing stability is a household budget. It is particularly important for clients being served with Short Term Rent, Mortgage, and Utility (STRMU) assistance to have a

feasible budget since the assistance is not intended to be ongoing.

Individual Service Plans should address the households needs, challenges, strengths, and preferences and how these variables impact identified goals, timeline for achieving goals, what assistance will be received, and resources needed to achieve goals. Consider the following:

- Is the household living beyond their means?
- Does household need to relocate to something more affordable?
- Which program will be best for long-term stability?
- Does the household need budgeting assistance?

HOPWA Individual Housing and Service Plans can be recorded and updated in HMIS in household's file.

- [Sample Housing and Service Plan](#)

Section 12. Cont'd. Eligible HOPWA Activities

Utilities Under TBRA

When utilities are not included in the rent and the client is billed directly for utilities, an allowance for reasonable utility consumption must be subtracted from the client's rent portion (30% of the monthly adjusted income or 10% of the monthly gross income). If this number is negative, a check in that amount must be written directly to the participant. MHC policy does not allow Project Sponsors to pay directly to the utility company for any participant under this program.

Facility-Based Housing - Master Leasing

Facility-based housing provides rental subsidies to residents of certain units within a specific building. If the client decides to move the rental subsidy remains with the unit to be used by the next eligible client. Facility-based housing can be emergency-based, transitional, or permanent housing.

In Master Leasing a project sponsor directly leases individual units, blocks of units, or an entire structure from a private owner. Unlike tenant based rental assistance (TBRA), the lease is between the private owner and the project sponsor. The sponsor will, in turn, enter into an occupancy agreement with the HOPWA-eligible household. The approach is similar to project based rental assistance except that the housing is not owned by the project sponsor and in Master Leasing there is the possibility of eventual conversion to TBRA, with the assisted tenant assuming the lease in his/her name. With this form of rental assistance, the project sponsor plays a more direct role and is useful for beneficiaries who have difficulty meeting the requirements to participate in TBRA. In Master Leasing, the project sponsor:

- o Leases individual units, blocks of units, or an entire structure
- o Enters into occupancy agreements with HOPWA beneficiaries
- o Provides rental assistance to the HOPWA beneficiaries including all program administration associated with rental assistance
- o In some instances may work to transfer the lease to the assisted household

Master Leasing allows project sponsors greater levels of control and eases some of the burden on beneficiaries. In a TBRA program the client must locate appropriate housing and negotiate with the landlord regarding housing quality inspections and program participation.

Permanent Housing Placement

Permanent housing placement services may be provided in the form of rent and utility deposits for clients who are at risk of becoming homeless or who are currently homeless. Permanent housing placement services may be used to help eligible persons establish a new residence where on-going occupancy is expected to continue. It may be used to compliment other forms of HOPWA housing assistance. For example, it may be used to assist STRMU clients who are in housing they cannot afford move into more affordable stable housing. . Costs may include fees for housing services or activities designed to assist individuals or families in locating suitable housing, which at a minimum would be referral to housing that is decent, safe and sanitary, subject to requirements covering other assistance programs. These costs may include tenant counseling, assisting individuals and families to understand leases, secure utilities, make moving arrangements, pay 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 rise. Costs may include placement costs such as application fees, related

Section 12. Cont'd. Eligible HOPWA Activities

credit checks, and reasonable security deposits necessary to move persons into permanent housing, provided such deposits do not to exceed two months of rent, and such funds would be designated to be returned to the program.

However, some items are not eligible as HOPWA permanent housing placement costs, such as costs for housing supplies, smoke alarms, standard furnishings, minor repairs to the unit associated with the move-in, and other incidental costs for occupancy of the housing unit. Note: while these items are not eligible as HOPWA costs for permanent housing placement assistance, grantees may make use of leveraged funds or donations to address the related needs for other move-in support for HOPWA beneficiaries.

Supportive Services and Case Management

Project Sponsors must make available appropriate supportive services to eligible individuals, either directly or through referrals. Supportive Services may be provided either in conjunction with HOPWA housing assistance or as a stand-alone service (Supportive Services Only) and all income-eligible, HIV positive individuals are eligible. Services and referrals must be documented and tracked in the client's Comprehensive Housing Plan.

HOPWA Supportive Services funds can be used to pay for appropriate portions of time for a HOPWA case manager or case worker. All income-eligible, HIV positive individuals are eligible to receive case management. To the extent possible, case management for HOPWA clients should be funded through some source other than HOPWA. HOPWA funds must not pay for a general psychosocial or medical case manager. Project Sponsors must document and track in the client's Plan which services are utilized and the amount of services received.

Supportive services include, but are not limited to, case management, mental health, assessment, drug and alcohol abuse treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local, State, and Federal government benefits and services.

Key case management activities include:

- Initial assessment of the client's needs
- Development of individual case plan for clients, including affordable stable housing, supportive services, and medical care
- Coordination of services to implement individual case plan.
- Routine client and case-manager engagement to monitor client progression with individual case plan
- Re-evaluation of client case plan as needed

Section 12. Cont'd. Eligible HOPWA Activities

Resource Identification

Activities under this category are specific to:

- Identifying housing resources and does not include housing referral services;
- Establishing, coordinating, and/or developing housing assistance resources for eligible persons;
- Hiring staff or consultants to develop housing finance package for a specific housing project;
- Conducting preliminary research;
- Determining feasibility of specific housing-related initiatives; and
- Market studies

Housing Information and Referral services

Housing Information services include assistance with referrals to affordable housing resources, assistance in locating available, affordable, and appropriate housing units, working with property owners to secure units, homeless prevention, outreach, and other housing-related activities. It may also include fair housing counseling for people who have encountered discrimination on the basis of race, religion, sex, age, national origin, familial status, or handicap.

Section 13. Other Supporting Documentation

Project Sponsors must document what they are paying for, who they are paying, and maintain a record of all payments made in the household's file. To accomplish this, Project Sponsors must obtain copies of leases, mortgages, utility bills, and/or ledgers for which housing assistance is provided. Project Sponsors must obtain new leases as old ones expire. The documentation must be current, predate service dates, and correspond with related service forms and check request vouchers. For example, check request vouchers must be present in the household's file and the requested amounts must correspond with the values on TBRA, STRMU, STSH, TSH, and/or PHP forms.

NOTE: Supporting documentation for housing assistance payments must be current and predate service dates.

Supporting Documentation

Check Request Vouchers

Leases, mortgages, utility bills, ledgers, etc. paid for (*Documentation must be current and predate service dates*)

Owner IRS Form W-9(s)

VAWA Written Request for Documentation, Documentation, and/or Emergency Transfer Form (*If applicable*)

Section 14. Termination of Assistance

When an assisted household is terminated from the program, Project Sponsors must complete **Termination of Assistance form**. Program termination must only be considered as a last resort and is reserved for severe cases.

Potential reasons for termination include:

- Completed program
- Criminal activity directly related to domestic violence, sexual assault, stocking.
- Non-compliance with program regulations or program requirements (conditions of occupancy)
- Left for housing opportunity before completing program
- Absence from a unit
- Death
- Other

Per 24 CFR §574.310(e)(2), “Violation of requirements,” households may be terminated from the program if they violate program requirements or conditions of occupancy (e.g., non-compliance with conditions of occupancy, fraud, etc.). Project Sponsors must ensure that Supportive Services are provided so that a household’s assistance is terminated only in the most severe cases. Project Sponsors must document in the household’s file that Supportive Services were offered and provided to the household.

In terminating assistance to any household for violation of requirements, Project Sponsors must provide a formal process that recognizes the rights of households receiving assistance to due process of law. This must consist of:

- Serving the household with a written notice containing a clear statement of the reasons for termination;
- Permitting the household to have a review of the decision, in which the participant is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel, before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- Providing prompt written notification of the final decision to the household.

Section 15. Grace Periods for Surviving or Remaining Household Members

With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA program shall continue for a grace period following the death of the person with AIDS. The grantee or project sponsor shall establish a reasonable grace period for continued participation by a surviving family member, but that period may not exceed one year from the death of the family member with AIDS. The grantee or project sponsor shall notify the family of the duration of their grace period and may assist the family with information on other available housing programs and with moving expenses.

If eligible household member leaves the household due to incarceration, lease bifurcation, enrollment in long-term substance use treatment, or entry to hospice/long-term health care, Project Sponsors must connect remaining household members to other eligible services as needed to prevent homelessness.

Per 24 CFR §574.310(e)(2), Project Sponsors must:

- Notify the survivor and remaining household members of the duration of the grace period;
- Provide housing assistance and supportive services to the survivor and remaining household members;
- Offer survivors and remaining household members information on other available housing programs; and
- At the Project Sponsor's discretion, provide PHP services to assist with moving expenses.

Project Sponsors must collaborate with the MHC to develop a reasonable survivor grace period policy for continued program participation by surviving or remaining household members. Also, Project Sponsors must perform an interim recertification using [Recertification Worksheet](#) to document the change in household composition.

NOTE: For eligible individuals who were incarcerated, enrolled in substance use treatment, or entered hospice/long-term health care (i.e., did not die or were not removed from the lease via lease bifurcation), the Project Sponsor's local grace period policy should include a maximum allowable absence period for eligible individuals that effectively delays the grace period start date for remaining household members.

1. TBRA and/or TSH Services

The minimum grace period for households receiving TBRA or Master Lease services must be one month of assistance from the end of the month in which the eligible individual died, was incarcerated, enrolled in substance use treatment, or entered hospice/long-term health care. The maximum grace period cannot exceed 12 months. Project Sponsors must provide the survivor and remaining beneficiaries a minimum of 90 calendar days and a maximum of 12 months from the date of lease bifurcation to establish eligibility for the MHC HOPWA Program, establish eligibility for another housing program, or find alternative housing.

2. STRMU and/or Facility Based (Master Lease) Services

The minimum grace period for households receiving STRMU or Facility Based (Master Lease) services must be one month of assistance from the end of the month in which the eligible individual died, was incarcerated, enrolled in substance use treatment, or entered hospice/long-term health care. The maximum grace period may not exceed the 147-day cap for STRMU services or the 60-night cap for Facility Based services.

3. Supportive Services

Supportive Services, specifically housing case management, must be offered to surviving and remaining household members. Housing case management plans for surviving and remaining household members should detail the terms of the grace period with a goal of transitioning household members off of the program. If household members express a need for continued housing assistance and/or supportive services, tasks should focus on referral to other programs that offer housing assistance and/or supportive services.

4. Roommates and Other Households

In shared housing arrangements where two or more unrelated households live together, Project Sponsors may not extend grace periods to other households (roommates). Grace periods may be extended only to surviving or remaining household members who were already enrolled in the program (“Additional Beneficiaries”).

HOPWA Waivers

HOPWA Waivers	Expiration
Self-Certification of Income and Credible Information on HIV Status	expired 9/30/2021
FMR Rent Standard	extended through 12/31/2021 (rent reasonableness still applies)
Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments	extended through 12/31/2021 (see applicable conditions for utilizing in the waiver (#13)))
Property Standards	expired 9/30/2021 (the grantee or project sponsor must physically reinspect units not previously physically inspected by December 31, 2021)
Space and Security Standards	waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.

Section 16. Housing Quality Standards

Housing Quality Standards

HOPWA-assisted housing must meet both state and local housing standards and HUD's habitability standards as outlined in 24 CFR Part 574.310(b). Case managers must certify that HOPWA assisted households are safe, decent, and sanitary by completing Housing Quality Standards (HQS) Inspections. Home visits should be conducted to determine the overall suitability of the property and certify that it meets the standards listed on the HQS form. Households must be re-inspected and re-certified annually when the client is re-certified for HOPWA assistance or when the client moves to a new residence.

Assisted units must also meet all Habitability Standards, Lead-Based Paint Requirements, and Fire Safety Requirements. TBRA and Facility Based units must be inspected. STRMU, and PHP units do not require inspections, but households must certify their housing meets all standards and requirements. If a Project Sponsor assesses that a STRMU- or PHP-assisted household is residing in substandard housing, the housing plan should address any unit deficiencies or include a goal of moving the household to a unit that meets all Housing Quality Standards. Project Sponsors must complete **Housing Quality Standards Certification** before assisting a unit and annual eligibility recertifications. Also, the form must be completed if household residency has changed. Inspections can be performed without specialized training. The standards and requirements should be interpreted in the best judgment of the housing case manager.

Periodic Inspections for properties supported by HOPWA TBRA funds should be an asset to not only the program, but to its surrounding neighborhood. From time to time a MHC Housing Inspector may conduct a visual inspection of property participating in any of the HOPWA programs. Depending on that review, the MHC inspector may contact your agency to schedule a complete Housing Quality Standards Inspection of the property to ensure compliance.

1. Habitability Standards

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

- A. *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.
- B. *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.
- C. *Space and security.* Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.
- D. *Interior air quality.* Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.
- E. *Water supply.* The water supply must be free from contamination at levels that threaten the health of individuals.

Section 16. Cont'd. Housing Quality Standards

- F. *Thermal environment.* The housing must have adequate heating and/or cooling facilities in proper operating condition.

- G. *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.
- H. *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.
- I. *Sanitary condition.* The housing and any equipment must be maintained in sanitary condition.

2. Lead-Based Paint Requirements

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

- A. Year the structure was built or rehabilitated
- B. A child under the age of six will reside in the property
- C. A pregnant woman will reside in the property

If the structure was built or rehabilitated before 1978, then the Project Sponsor must provide a [“Protect Your Family from Lead in Your Home”](#) pamphlet to the household. If the structure was built or rehabilitated before 1978 *and* a child under the age of six or pregnant woman will reside in the property, then the Project Sponsor must visually assess the unit. Visual assessments are unnecessary for zero-bedroom units or if a unit meets other exemptions in 24 CFR §35.115(a). The client will initial the [Housing Quality Standards Certification](#) if they received the pamphlet. Housing case managers that perform visual assessments must complete the HUD Lead-Based Paint Visual Assessment Training (see Section 20. Program Technical Assistance and Trainings, 1. AA and Project Sponsor Required Trainings).

NOTE: To determine the year in which a structure was built or rehabilitated, a Project Sponsor may perform a property search on the appraisal district website of the county in which the property is located, identify the most recent year the property was built or last rehabilitated.

Section 17. HOPWA Housing Documentation

APPLICATION- All eligible clients that receive HOPWA assistance must have a completed application on file. The application is used to assess initial client eligibility criteria and demographic data.

HOUSING PLAN- Individual housing assessments are conducted with participants and housing plans are created with participants, with the goal of promoting long-term housing stability. These plans help determine if the participant is in need of short-term or longer-term rental assistance. This assessment and planning should also include the development of a realistic stabilization plan that addresses both short-term and long-term housing needs.

CLIENT AUTHORIZATION for RELEASE OF INFORMATION - While HOPWA clients have the right to privacy, sharing certain information with other agencies may increase the client's access to services and supports. Before any information is released, however, the organization serving the individual must seek permission from the client to release confidential information. This form will be placed in the client's file.

HIV STATUS VERIFICATION- To receive assistance under the HOPWA program, a client's HIV status must be documented. The HIV/AIDS diagnosis must be made by a health professional competent to make such a determination; case manager statement **is not sufficient**. Project sponsors can use this form to document the client's HIV status. (Note, information on the HIV/AIDS status of a client is subject to confidentiality requirements.)

INCOME VERIFICATION- HOPWA program regulations require verification of all income from participant households. Acceptable forms of income are check stubs, SSI award letter, bank statements, Alimony, Child Support, etc. Individuals that have no verifiable income must complete a **Zero Income Affidavit**

LEASE AGREEMENT- After the client finds a unit that is suitable and meets the program's rent standard, HOPWA Habitability Standards, lead-based paint, and rent reasonableness guidelines, the lease must be reviewed and approved by program staff. Rental assistance programs may develop a preferred lease format that landlords must use, or they may allow landlords to use their own leases, as long as the leases do not contain provisions prohibited under the program.

TERMINATION of ASSISTANCE AGREEMENT- Every rental assistance program should have written procedures in place to guide program actions related to termination of assistance. As described in 24 CFR 574.310(e), HOPWA regulations require a formal process for handling the termination of participants from HOPWA assistance. Procedures for termination should address termination due to violation of program requirements and termination in the event of death of the HOPWA-eligible participant when there are surviving family members. These procedures should be reviewed and signed by rental assistance program participants at intake, and the signed document should be kept in each participant's file.

Although termination of assistance for violation of requirements should be a last resort, it is important for programs to develop and uniformly enforce rules governing termination of assistance to program participants in alignment with local landlord-tenant laws. Such rules should include due process that must be followed before termination as described in 24 CFR 574.310(e). Termination procedures should include the following elements:

Section 17. Cont'd. HOPWA Housing Documentation

- Written notice to the participant containing a clear statement of the reasons for termination
- Opportunity for a participant to review the decision, allowing them to confront opposing witnesses, present written objections, and be represented by their own counsel or representative; this review should be presented to someone other than the person who made or approved the termination decision (or a subordinate of that person)
- Prompt written notification of the final decision to the participant

Procedures should also be outlined for serving and transitioning surviving family members who were living in a unit with a HOPWA-eligible client receiving rental assistance at the time of his or her death. The HOPWA regulations require that housing and supportive services to survivors continue for a reasonable grace period not to exceed one year; the regulations also allow programs to assist the family with housing information and moving expenses (i.e., expenses such as those provided under permanent housing placement) (24 CFR 574.310(e)). Appropriate initial support could focus on bereavement support, followed by counseling on available assistance to facilitate a reasonable transition well within the maximum one-year period. The client should be informed about these policies. Organizations should consider whether to include this information in the client participant agreement or address it separately.

CANCELLED CHECKS- copies of vouchers and cancelled checks of all approved HOPWA housing assistance activities such as rent and utility payments, security deposits, move-in costs, etc. must be provided and maintained in each client's HOPWA file.

RENT REASONABLENESS- Program staff should ensure that the rent of the unit does not exceed the rent of comparable unassisted units. Depending on the applicable rent standard, as discussed above, rent reasonableness will be determined as follows:

- 1) If the rent standard of the unit size is used, then rent reasonableness is conducted on this unit size. For example, if the rent standard of a two-bedroom was lower than the pro-rata shared rent, then rent reasonableness should be conducted using other two-bedroom units.

OR

- 2) If a pro-rata rent was determined to be the lower amount, rent reasonableness is figured on the total unit, in this case the three-bedroom unit. The pro-rata percentage of the assisted unit's rent should be comparable to the pro-rata share of comparable unassisted units. If the rent is higher than the unit comparables, in either example, rental assistance cannot be given or the rent standard should be adjusted to the reasonable rent.

RENT CALCULATIONS WORKSHEET- This worksheet will determine the household rent payment based on the greatest of 10% of Monthly Gross Income or 30% of Monthly Adjusted Income. For income exclusions, see CPD Notice 96-03. SHP Regulation 24 CFR 583.315 states "Resident Rent. (a) Calculation of resident rent. Each resident of supportive housing may be required to pay as rent an amount determined by the recipient which may not exceed the highest of: (1) 30 percent of the family's monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child care expenses); (2) 10 percent of the family's monthly income..."

LANDLORD W-9 TBRA payments landlords in excess of \$600 in any calendar year must be reported to the IRS on form 1099-MISC, Box 1, "Rents" Accordingly, an IRS form W-9 must be collected from each landlord and placed in the client's file.

Section 17. Cont'd HOPWA Housing Documentation

LEAD-BASED PAINT- Many houses and apartments built before 1978 have paint that contains lead (called lead-based paint). The relevant regulations are found under 24 CFR 574.635. Lead from paint, chips and dust can pose serious health hazards. HUD requires Project Sponsors to give all HOPWA clients the lead-based paint pamphlet entitled *Protect Your Family from Lead in Your Home*. The client's case file must include documentation that a copy of the pamphlet was given to the client. The pamphlet was developed by the Environmental Protection Agency in response to concern about lead-based paint hazards in the home. Copies of the pamphlet are available at the following website address:

English version: <http://www.epa.gov/lead/pubs/leadpdf.pdf> Spanish
version: <http://www.epa.gov/lead/pubs/pyfcameraspan.pdf>

Staff must complete an online training course before they are allowed to perform assessments. If applicable, the HOPWA applicant must submit a copy of the certificate of completion during the application process.

SMOKE DETECTORS- Project Sponsors are required to ensure that an operable hard-wired or battery-operated smoke detector is installed in all HOPWA-assisted units. This applies to STRMU with one exception: if the utilities are the only service being subsidized, the requirement for smoke detectors does not apply. STRMU clients must self-certify that there is a working smoke detector in the residence. HOPWA funds may be used to purchase smoke detectors for clients receiving STRMU *only* if the clients cannot afford to purchase their own and have no other funds to pay for them. Provision of smoke detectors must be funded as a HOPWA Supportive Services activity. Units receiving TBRA must pass HUD's Housing Quality Standards which require the presence of smoke detectors. Standards for installation of smoke detectors may be obtained from your local fire safety officials.

Section 18. HUD Datasets

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

1. Area Median Income

To be eligible for the MHC HOPWA Program, household annual gross income cannot exceed 80 percent of Area Median Income per the household's county of residence. Collect proof of gross income for all household members 18 years of age and older (documentation must be complete and cover the 30 days preceding the eligibility certification or recertification date). The household annual gross income is from all sources anticipated to be received in the 12-month period following the determination date. Therefore, income must be ANNUALIZED, e.g. payment amount multiplied by number of payment periods per year for all income sources. The **Determining Household Annual Gross Income Guide** outlines acceptable forms of documentation, whose income is counted, inclusions and exclusions, and calculation guidance.

2. Fair Market Rent

The gross rent of TBRA- or Master Leased units cannot exceed the rent standard. The MHC HOPWA Program uses Fair Market Rent (FMR) for the unit size per the household's county of residence as the rent standard. Alternatively, Project Sponsors may use a HUD-approved community-wide exception rent standard if one is locally available. Project Sponsors may request current copies of exception rent standard tables from local Housing Authorities. An important point about the rent standard is that it includes both rent *and* utilities. (The gross rent must also be reasonable in relation to rents for comparable unassisted units in the private market and must not be in excess of rents charged by the owner for comparable unassisted units. Proposed units must be compared with two similar units. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent.)

Section 19. Maximum Grant Amounts and Funding Factors

There are no minimum and maximum funding amounts established for this program. Applicants are advised to scale their requests based on housing need for eligible persons, organizational capacity, funding history, the types of activities proposed, number of counties served, participation in state or regional referral networks, MHC-established pro rata amounts for those counties and other relevant factors as determined by the applicant and MHC.

Community Facilities, Off-site Housing Assistance, and Supportive Service funding decisions and funding amounts will be based upon the following factors:

- The availability of other HOPWA providers within the service area
- Performance Outcomes
- Consistency with local need, conformance to local plans, and service delivery strategy
- Other funding for programs available to the applicant from Federal, State and local government sources
- Amount of funds requested, prior award amounts and prior utilization of funds
- Degree of compliance demonstrated during MHC monitoring visits or in desk audits
- Relative quality of housing or standards for services to be provided
- Participation in the State's collaborative HMIS initiative
- Level of service (numbers of persons, hours of service, etc.)
- Standard costs for housing and services
- Value of applicant's contributions (cash and in-kind)
- The complexity or nature of the request
- Organizational development and capacity
- The extent to which the organization operates under the authority of a diversified, involved, volunteer, community-based board of directors, professional management
- The consistency of the organization's identity or its mission to the provision of homeless or HIV (as applicable) services,
- The extent to which the organization utilizes networks to avoid duplication of housing and services
- Sound operating procedures and accounting policy
- Participation in appropriate Continuums of Care

Leveraging Requirements

All applicants are encouraged to provide 30% of the value of each program with other cash, in-kind services or donations. Information received at application submission to MHC that your agency is eligible to receive funding. Completion of this task does not guarantee funding. Applicants are reminded that failure to submit complete documentation may result in denial of the funding request. Awards are made at the sole discretion of Mississippi Home Corporation (MHC). Funding decisions are final and are not subject to an appeal.

Section 19. Cont'd. Maximum Grant Amounts and Funding Factors

Program Reporting Requirements

Financial records should be maintained for a four-year period to ensure proper accounting and disbursing of amounts received from HOPWA funds and make the records available to HUD or Mississippi Home Corporation (MHC) for inspection.

HOPWA grantees must provide performance information (goals and actual outputs) for all activities undertaken during the operating year supported with HOPWA funds. Performance is measured by the number of households and units of housing that were supported with HOPWA or other federal, state, local, or private funds for the purposes of providing housing assistance and support to persons living with HIV/AIDS and their families. HOPWA grantees must report the source(s) of cash or in-kind leveraged federal, state, local or private resources used in the delivery of the HOPWA program and the amount of leverage dollars.

Due to time constraints of submitting the State's Consolidated Annual Performance and Evaluation Report (CAPER), individual HOPWA CAPERs due each year from project sponsors, are DUE to MHC no later than 5:00 PM on July 31st.

HUD's current *HOPWA Consolidated Annual Performance and Evaluation Report (CAPER): Form HUD-40110-D* has been updated, and this is the report that all project sponsors will be required to complete. The report is located at: <http://www.hud.gov/forms -40110>. Also included at the noted web page is an Annotated CAPER with notes and descriptions of the changes. Any previous report versions are expired.

Project sponsors must submit complete HOPWA data by the deadline, or risk having reimbursement privileges suspended and/or the processing of contracts suspended until such time as MHC receives the data. Substantial errors or completeness issues within reports submitted can also result in the suspension of funds until such time that accurate data is submitted.

Section 20. Other HOPWA Federal and State Mandates

The Federal Funding Accountability and Transparency Act of 2006

The Federal Funding Accountability and Transparency Act of 2006 requires sub-recipients receiving federal funds to register with Dun and Bradstreet (D & B) to obtain a D-U-N-S number and complete or renew their registration in the Central Contractor Registration. Completing these registration processes is free but may take up to 10 days to complete. A D-U-N-S number and confirmation that your agency is active in CCR is required as part of this year's application. No awards will be made without this information.

Level of Environmental Review

Mississippi Home Corporation MHC received authorization from HUD to perform the environmental review for proposed HOPWA projects in accordance with Title 24, CFR, Part 58. To comply with those requirements, MHC is requesting that all Sponsors provide a detailed description of the types of activities to be provided. HUD has determined that the following Categorical Exclusions are not subject to Part 58.5 since they would not alter any conditions that would require a review or compliance determination under Federal laws and authorities cited in Part 58.5, unless there are extraordinary circumstances. If your project activity will use funds to purchase, construct, rehabilitate, repair, or lease insurable structures, buildings or mobile homes, you must contact MHC for further instruction regarding the environmental review process before incurring any costs or performing any work.

Grant Modifications

Subrecipients are encouraged to meet the terms of their signed grant contract which includes expending awarded grant in the allotted time and on awarded categories. To ensure that subrecipients are in good standing with their grant contract, MHC has set caps on grant extensions and frequency of budget modifications. Grant modification caps are:

- Subrecipients are limited to no more than **three (3) budget** modifications within the grant year.
- Subrecipients are limited to no more than **three (3) months** grant extension post grant expiration date.

All modification requests must be submitted in writing on the subrecipient agency's letterhead

Mississippi Public Records Act

The Act provides that all public records are public property and that any person has the right to inspect or obtain a copy thereof subject to certain procedures concerning costs, time place and method of access. The Act provides access to records, subject to certain exemptions. Certain of these exemptions include judicial records, jury records, certain personnel records, attorney's work product, documents from third parties containing confidential information, certain appraisal records, academic records, archeological records, hospital records, investigative and criminal justice records, and certain commercial and financial records.

State and Federal Financial Reporting/Audit Requirements for Nonprofit Agencies

The law states that *"The intent of this chapter is to provide auditing and reporting requirements for nonprofit organizations which provide services and facilities to the state, to ensure the financial accountability of nonprofit contractors, and to develop adequate information concerning nonprofit*

contractors. The General Assembly finds that the state has a right and a duty to monitor nonprofit organizations which contract with the state to ensure that their activities are in the public interest and to ensure that public funds are used for proper purposes.”

According to the State law, ‘nonprofit organization’ means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term nonprofit organization includes nonprofit institutions of higher education and hospitals. For financial reporting purposes, guidelines

Section 20. Cont’d. Other HOPWA Federal and State Mandates

issued by the American Institute of Certified Public Accountants should be followed in determining nonprofit status.

Grantees whose total federal funding exceeds \$750,000 must meet, in addition to its financial auditing requirements, the compliance requirements described in the *OMB Compliance Supplement*. As a result and among other requirements, MHC must obtain minimum organizational and financial information from nonprofit organizations in order to establish the viability of the nonprofit organization and to report award and funding amounts to the State Department of Audits.

In return for funds, and among other requirements, nonprofit organizations must make appropriate reports to the state auditor and to each state agency from which it received funds for each fiscal year within 180 days from the close of the nonprofit organization’s fiscal year. Reporting formats vary based upon the amount of “state funds” received by nonprofit organizations during the organization’s fiscal year.

This law also sets forth responsibilities of the state auditor and covers measures to be taken by state agencies if there are matters of non-compliance. For further compliance information nonprofit applicants are encouraged to first contact their own internal auditors.

Additional information may be obtained from the State Office of Audits as follows: Mississippi Department of Audits, Non-Profit and Local Government Audits Division, 501 North West Street Jackson, MS 39201.

Other State and Federal Requirements

To the extent practicable, as determined by MHC, grantees must comply with the HUD HOPWA Program Regulations at 24 CFR Part 574, as amended. Program requirements include, but are by no means limited to, the following:

- 1) OMB Compliance Supplement
- 2) All grants to non-profit organizations are subject to the administrative requirements and cost principals outlined in OMB Circulars A-110 and A-122. These requirements for local governments are outlined in 24 CFR, Part 85 and OMB Circular A-87.
- 3) Costs requested for reimbursement via automatic deposit by MHC must be “reasonable and justifiable,” and are only eligible to the extent that they are consistent with the program approved by MHC.
- 4) All funds will be reimbursable to grantees based upon actual program expenses with

supporting documentation (retained by grantee).

- 5) Expenses are only eligible to the extent that they benefit “eligible persons” under the HOPWA program, as defined herein.
- 6) Environmental-All grants are subject to environmental review in accordance with the federal regulations governing HOPWA programs.

Section 21. HOPWA Resources

HOPWA Regulations

The HOPWA program is regulated under *Title 24, CFR, Chapter V, Part 574*. The regulations are available at: www.hud.gov/offices/cpd/lawsregs/index.cfm.

HOPWA Grantee Oversight Resource Guide

To assist grantees and projects sponsors in administering the HOPWA Program in accordance with HOPWA regulation and policy. The Guide can be downloaded from the following website: http://www.hudhre.info/documents/HOPWAOversightGuide_Aug2010.pdf as well as obtained from MHC's HOPWA website.

HOPWA Financial Management Oversight Training

The HOPWA financial management oversight training is available at: <http://www.hudhre.info/index.cfm?do=viewHopwaFinancialTraining>

Lead-based paint requirement and training can be found at:

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

IRS form W-9 and 1099-Misc as well as detailed instructions on their completion can be obtained from the IRS website, www.irs.gov

Fair Housing Act

Person using a wheelchair to maneuver, and other adaptable features within the units. For more information and resources about the Fair Housing Act at: www.hud.gov/fairhousing

Fair Housing Equal Opportunity Brochure Webpage: <http://www.hud.gov/offices/fheo/lep.xml>

Fair Housing Equal Opportunity for All Pamphlet: www.hud.gov/fairhousing

Fair Housing Equal Opportunity for All Pamphlet (Spanish version): www.hud.gov/fairhousing

D-U-N-S number and register in CCR please visit the following websites: http://www.grants.gov/applicants/request_duns_number.jsp

The Department of Housing and Urban Development sets Median Income levels for communities across the country; these numbers vary significantly. This data can be found at: <http://www.huduser.org/datasets/il.html>

OMB Circulars

Contractors must also comply with the policies, guidelines, and requirements of Title 24, CFR, Part 85 (codified pursuant to Office of Management and Budget [OMB] Circular No. A-102) and OMB Circular No. A-87 with respect to acceptance and use of funds under the program by states and units of general local government, including public agencies, and Circulars Nos. A-110 and A-122 with respect to the acceptance and use of funds under the HOPWA Program by private non-profit entities. These documents can be downloaded from the following website: www.whitehouse.gov/omb/circulars/index.html.

Frequently Asked Questions

What is income eligibility?

Any household whose income is below 80 percent of Area Median Income for their county is eligible for the program. A Project Sponsor may set a percentage below the 80 percent for income eligibility if a written policy is established, approved by the AA, and applied in a uniform, consistent, and non-discriminatory manner.

Does HOPWA allow conditional eligibility?

No, a household is either eligible or ineligible. There is no flexibility in applying program eligibility requirements.

Can a PLWH receive assistance under this program or must the diagnosis be more advanced?

HUD has determined that persons living with HIV – regardless of how advanced – are eligible for assistance.

How is zero income verified?

There are three acceptable methods of verifying any type of income. In order of preference, they are: (a) third party written or oral verification (e.g., pay stubs, letters); (b) review of documents (e.g., award letters); and (c) self-certification. The last method is the least-preferred method of verifying. If the client cannot verify income with the first two methods, they may sign a statement certifying income status.

A client is receiving \$5,000 annually in work study. Does the full amount for work study count towards the Annual Income to determine program eligibility?

No. All forms of student financial assistance (grants, scholarships, educational entitlements, work study programs, and financial aid packages) are excluded from household annual gross income.

Can a household deduct child support expenses from annual gross income?

No, income that pays child support may not be excluded from household annual gross income.

Are financial contributions from family and friends considered a source of income when determining income eligibility?

The answer depends on whether the contribution or gift is received “regularly.” Unfortunately, that is the extent of the guidance HUD provides. So, if the client expects to receive a contribution/gift of \$200.00 per month for a year, then yes, that would be included in the income eligibility calculation. Whether the income is regular or sporadic will have to be determined by the client and Project Sponsor. If it is sporadic, then it should be excluded from the income eligibility calculation.

Does income earned by a minor count as household income?

No, earned income for dependent children under the age of 18 is not included. However, other income of dependent children under the age of 18 is included. The **Determining Household Annual Gross Income Guide** outlines acceptable forms of documentation, whose income is counted, and income inclusions and exclusions.

A client is receiving TBRA services. The client is not providing any documentation of medical results or that he is seeing a physician. Is the client non-compliant with HOPWA policies?

HOPWA only requires proof of diagnosis when determining basic program eligibility. Beyond that, there is no regulatory requirement to provide additional medical documentation for continuation of specific program

services unless the client has agreed to do so in their housing plan. Based on the information available, the client has not violated any rules. Termination of a client from HOPWA should be a last resort. Yes, HOPWA is intended to promote better health outcomes and using current medical documentation to monitor this is the best practice. However, the priority of this program is housing stability and the work needed to achieve it. If a Project Sponsor will require that clients provide medical documentation as a condition of receiving housing assistance, then a policy should be enacted and uniformly implemented with all HOPWA clients. Also, clients should have the opportunity to give informed consent by signing an acknowledgement of the Project Sponsor's unique termination policy prior to enrollment.

If a household is being considered for rental assistance, but there isn't a reasonable expectation they will be approved for the Housing Choice Voucher Program or other affordable housing programs in the future (e.g., criminal background barriers), does this disqualify someone from rental assistance activities?

Some households may not be eligible for the Housing Choice Voucher Program or other affordable housing programs and it would be unreasonable to expect their applications would ever be approved (this should be documented with a denial letter that explains why). In those circumstances, rental assistance could be used indefinitely or up to an established time-limit because no other long-term option is available. In other words, rental assistance activities can do more than just bridge gaps, especially when households aren't eligible for anything else. For example, it is perfectly fine to enroll someone in TBRA even when there is not an expectation that that household would be approved for other long-term housing assistance.

Can TBRA, STRMU, FBHA, or PHP pay for moving expenses?

No. These services cannot pay for a moving truck or other services to help someone move.

Are foster children considered dependents for purposes of determining household annual adjusted income for rental assistance calculations?

Per HUD's *Occupancy Requirements of Subsidized Multifamily Housing Programs (4350.3), Chapter 5: Determining Income and Calculating Rent*, Foster children are not considered dependents and are not eligible for a \$480 deduction from annual income when performing a rental assistance calculation. However, there is an income exclusion (for determining household income eligibility for the HOPWA program) for payments a household receives to take care of foster children. For income eligibility determination, Project Sponsors may exclude payments received for the care of foster children or foster adults (usually persons with disabilities unrelated to the household, who are unable to live alone).

A client is fighting for the guardianship of his nephews who live with him. Would the nephews be counted as dependents for a rental assistance deduction?

Per HUD's *Occupancy Requirements of Subsidized Multifamily Housing Programs (4350.3), Chapter 5: Determining Income and Calculating Rent*, household members are not required to have legal custody of a dependent in order to receive the dependent deduction.

How can housing status for STRMU be defined if the client's name is not on the lease agreement?

HUD Notice 06-07 for STRMU states: "In order to receive STRMU assistance, there must be evidence of client tenancy or ownership and residency. To receive rental payments, the eligible individual or a member of the resident household must present evidence that they are a named tenant under a valid lease or that they are a legal resident of the premises." Possible sources of evidence of this include, but are not limited to:

- Documentation that the individual has been responsible for rental payments. Rental receipts, a cancelled check or a copy of a money order from the tenant to the owner would satisfy this condition.
- A late payment notice or any other written communication from the owner to the tenant that provides evidence of tenancy would also be satisfactory.

- If not named on the lease, any written documentation from the owner that the individual is a legal resident of the property.

Can a person simultaneously receive TBRA and STRMU assistance?

No. Per the HOPWA Grantee Oversight Resource Guide, TBRA, STRMU, and FBHA service periods cannot overlap.

Can a person have a Housing Choice Voucher or live in public housing and also receive HOPWA housing assistance?

No. If a client is receiving Housing Choice Voucher housing assistance payments, they are not eligible to receive HOPWA TBRA, STRMU, or FBHA. However, clients may also receive Supportive Services and PHP (CFR §574.300(b)(7)).

Can a person receive HOME Tenant-Based Rental Assistance and HOPWA housing assistance at the same time?

No. As with the Housing Choice Voucher Program or a public housing program, a client is not eligible to receive HOPWA TBRA, STRMU, or FBHA at the same time with other federal housing assistance programs. This would be “double dipping.” However, clients may also receive Supportive Services and PHP (CFR §574.300(b)(7)).

Can a client have zero income and receive rental assistance services?

Yes. Household members with zero income must have their situation documented and income should be routinely reassessed.

A household is composed of one serodiscordant couple. The household receives STRMU services. If the other individual seroconverts, do they qualify the household for an additional 21 weeks of assistance?

No, the 21 weeks of assistance are for the household, not individual household members, and cannot be doubled or otherwise increased.

Under STRMU, can we pay rent, mortgage, and or utility bills for clients that predate their enrollment in the HOPWA Program? For example, if a client was enrolled in the HOPWA Program in January, can we pay December bills?

Yes, previous, verifiable balances can be paid for months that predate a household’s enrollment date in the HOPWA Program and the start date of STRMU services. This also applies if the accrued costs of the bills predate the start date of the contract period (the HOPWA 2019 Program year is 02/01 – 08/31). For example, a check cut in February for outstanding bills from January of the prior contract year would be billed to the contract that started in February regardless of which days of accrued costs you are paying for. Tracking days of accrued costs paid for is merely a method of ensuring the total amount of STRMU assistance is capped at 147 days. This client may be assisted with the prior bills in order to prevent homelessness. Thus, there is meant to be a “seamless” housing assistance service even though a contract timeframe is crossed. From an accounting perspective, the predating bills would be charged on the current project year’s budget.

When a household begins receiving STRMU, an agency can pay utilities for the previous months. What if a client starts the program in June and receives utility assistance for that month plus the previous months of April and May that were past due? Does this count as one month of assistance or three months?

The 21-week limit under STRMU is based on days of accrued costs. Therefore, if STRMU pays April (30 days), May (31 days), and June (30 days), then that will constitute 91 out of 147 days in a 52-week period (365 days for regular years and 366 days for leap years) – regardless of what day or month the check is cut.

With regard to the 21-week rule for STRMU, what happens when the 21st week is in the middle of a month?

You cannot exceed the 21-week limit. The household will have to pay the balance of what is due.

What kinds of emergencies would qualify a household for STRMU services?

An emergency is a situation that is short-term in nature and one that the case manager has reason to believe will put the client at risk of becoming homeless. To receive STRMU assistance a client must provide verifiable evidence of the outstanding obligation and evidence of his/her inability to make the monthly payments

Can the Project Sponsor develop their own system to track the number of weeks a client receives STRMU services within a 52-week period?

No. The Project Sponsor must use the DSHS calendar day method using the client's first payment date to determine the 52-week period. The calendar day method is used because it is the most accurate method with minimal rounding. HUD requires Project Sponsors to use the same method of tracking and must be applied uniformly and consistently for all Project Sponsors.

Does HUD permit a waiver of the 21-week time limitation for STRMU?

HUD regulations permit a waiver to be granted through the HUD Headquarters office on a case-by-case basis and approval can be granted only by the HUD Assistant Secretary for Community Planning and Development. HUD approval is rare and extraordinary and should not be expected by anyone assisted under this program.

Is it the responsibility of the Project Sponsor to inspect a client's housing for STRMU?

No. An inspection is not required for STRMU but the client must assure the Project Sponsor that the property is safe and decent. The case manager needs to ask some questions to confirm this statement as the Project Sponsor is ultimately responsible for ensuring this is true.

Why do STRMU clients need a Comprehensive Housing Plan?

All HOPWA clients are required to have a Housing Plan. Goals must be established for on-going housing stability for clients with referrals for access to medical treatment and supportive services. The purpose of the Housing Plan is to provide a tool for the client and case manager to achieve housing stability without long-term dependency on the HOPWA program.

Does HOPWA allow the use of funds for late and reconnect fees?

Yes. Late and reconnect fees are allowable under STRMU, but not under TBRA or FBHA. Remember, households cannot receive TBRA, STRMU, or FBHA services at the same time, so if a household receiving TBRA services is charged a late fee, STRMU cannot pay that late fee.

For TBRA, what if the unit does not comply with rent standard and rent reasonableness requirements?

In short:

- The household could relocate to a unit that complies with rent standard/rent reasonableness requirements,
- The household could find another household to split housing costs with provided there are enough bedrooms to accommodate both households (shared housing arrangement),
- The household or Project Sponsor could identify and secure an alternate payer for household-paid utility costs in order to reduce or eliminate the amount of utility allowance required,
- The household could negotiate a new rent or revise the utility responsibilities with the owner, or
- On a unit by unit basis, the grantee may increase the rent standard by up to 10 percent for up to 20 percent of the units assisted (in other words, Project Sponsors may use 110 percent of the rent standard for 2 out of 10 of the combined households that receive TBRA or TSH services in a given program year). Project Sponsors must collaborate with the MHC to develop a Rent Standard Increase policy and tracking method before increasing the rent standard for a proposed unit.

A Rent Standard Increase policy should describe the circumstances in which a Project Sponsor would increase the rent standard for a proposed unit. When will the Project Sponsor make this exception? Are there certain conditions or considerations the Project Sponsor will prioritize in making this exception? For example, the exception could be granted to a household that needs to be closer to a medical provider in the center of town where housing costs are higher. The policy should be implemented in a uniform, consistent, and non-discriminatory manner.

What is the difference between the client household and roommate households?

An applicant must identify individuals living in the unit as either household members or roommates when applying for assistance, or at renewal. Household membership is defined by the household, not by blood or marital relationship. A roommate relationship is established for the purposes of sharing rent and utility bills in return for receiving a share of the space available. In shared housing arrangements where two or more unrelated households live together, Project Sponsors may not extend grace periods to roommates or other households. Grace periods may be extended only to surviving or remaining household members who were already enrolled in the program.

Can a client rent a room or property from family?

The shared housing regulations at 24 CFR §982.615(b)(3) state that "an assisted person may not be related by blood or marriage to a resident owner." Also, per 24 CFR §982.306(d), Project Sponsors cannot provide housing assistance if the unit owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. However, Project Sponsors may grant exception to these regulations if they determine that approving the unit would provide reasonable accommodation for a household member who is a person with disabilities.

For example, a reasonable accommodation would permit a ‘person with disabilities,’ including PLWH, to receive benefits when housed with a family member who owns or rents the housing unit if it is determined by a physician that living with the family member is important to the client’s overall health and welfare. In such situations, the resident owner’s income is not to be counted in determining the household’s income eligibility for the program. Such payments are based on the number of bedrooms that the person with disabilities occupies in the home and must be reasonable for the type and nature of the housing arrangement, and similar to the reasonable rental fees available in comparable unassisted units.

To further clarify, a reasonable accommodation is permitted for clients who need to stay in place as an accommodation for their disability. If able, a client can make a reasonable accommodation request in writing, however, if the client is unable, they may have someone assist them with the request. Project Sponsors may also ask for written verification from a healthcare provider or someone knowledgeable about the person’s disability as back-up for the file. A reasonable accommodation should not be used merely as a mechanism for clients not to have to move or in an effort to exclude additional household member’s income that would normally be considered when determining income eligibility – but be legitimately due to their particular disability. Overall, the process for requesting and approving reasonable accommodations shouldn’t be complicated, and generally, in other housing programs such as Section 8, reasonable requests are more often approved than not. See the decision tree under Appendix J: “Can I Pay this Owner?” for additional guidance.

If someone is married and both people receive Social Security or other income, with one spouse being the sole care giver for the other, do we have to include the caregiver’s income in the computation?

Yes, a married partner cannot be considered a live-in aide. Per 24 CFR §813.102, a live-in aide as a person who resides with an elderly or disabled person or persons and who (a) is determined to be essential to the care and welfare of the person(s), (b) is not obligated to support the person(s), and (c) would not be living in the unit except to provide necessary supportive services.

APPENDICES

Appendix A: HOPWA Program Enrollment

Appendix B: Self- Declaration of Income

Appendix C: Self Declaration of Residency

Appendix D: Interim Recertification Worksheet

Appendix E: Service Outcome Assessment & Program Exit Worksheet



Appendix A. HOPWA Program Enrollment

Eligible Individual

Client Name: _____

Client ID/File Number: _____ Housing Case Manager: _____

Household Size at Entry: _____ Adults at Entry: _____

Program Entry Date: _____ Program Exit Date: _____

File Structure Checklist

Eligibility Documentation

Eligibility must be confirmed before program entry and recertifications.

- ☐ Proof of HIV seropositivity for at least one household member
The MHC HOPWA Program Manual outlines acceptable forms of documentation. Documentation must predate the program entry date.
- ☐ Proof of gross income for all household members 18 years of age and older
The MHC HOPWA Determining Household Annual Gross Income Guide outlines acceptable forms of documentation, whose income is counted, and income inclusions and exclusions. Documentation must be complete and cover the 30 days preceding the program entry or recertification date.
- ☐ Proof of current residency for all household members 18 years of age and older
The MHC HOPWA Program Manual outlines acceptable forms of documentation. The household must reside in the Project Sponsor's HIV Service Delivery Area. Documentation must be current as of the program entry or recertification date.

Program Entry

- ☐ Self-Declaration of Income and Required Attachments *(If applicable)*
- ☐ Self-Declaration of Residency *(If applicable)*
- ☐ Household Income Eligibility Worksheet
- ☐ HOPWA Program Agreement
- ☐ Demographic and Statistical Data
- ☐ Consent to Release and/or Obtain Confidential Information *(Or Project Sponsor's preferred form)*
- ☐ Housing Quality Standards Certification *(One for each assisted unit)*

Service Forms

TBRA and/or TSH

- ☐ Rent Standard and Rent Reasonableness Certification and Required Attachments
- ☐ Rental Assistance Worksheet and Required Attachments
- ☐ Housing Choice Voucher/Other Affordable Housing Waiver *(If applicable)*
- ☐ VAWA Lease Addendum *(One for each assisted lease)*
- ☐ Utility Reimbursement Notifications *(If applicable)*

STRMU and/or STSH

- ☐ STRMU Tracking Worksheet and Required Attachments
- ☐ STSH Tracking Worksheet

PHP

- ☐ PHP Intent to Lease Worksheet *(If applicable)*

Supportive Services

- ☐ Budget Worksheet *(Or Project Sponsor's preferred form)*
- ☐ Housing Plan *(Or Project Sponsor's preferred form)*
- ☐ Case notes

Interim Recertifications

- ☐ Interim Recertification Worksheet and Required Attachments *(If applicable)*

Supporting Documentation

- ☐ Check Request Vouchers
- ☐ Leases, mortgages, utility bills, ledgers, etc. paid for *(Documentation must be current and predate service dates)*
- ☐ Owner IRS Form W-9(s)
- ☐ VAWA Written Request for Documentation, Documentation, and/or Emergency Transfer Form *(If applicable)*

Outcome Data and Program Exit

- ☐ Service Outcome Assessment and Program Exit Worksheet
- ☐ Termination Letter *(If applicable)*



Appendix B. Self-Declaration of Income

Must be completed by adult household members who have zero income or cannot obtain third party proof of income.

I, _____ am applying for housing assistance services.
Client/Household Member

I understand that Program regulations require collection of gross income documentation for all household members 18 years of age and older (documentation must be complete and cover the 30 days preceding the program entry or recertification date). I understand that this form is used to declare zero income or forms of income that are included in eligibility determination.

Income includes, but is not limited to:

- 1 Gross wages, salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services
- 2 Net income from operation of a business or from rental or real personal property
- 3 Interest, dividends, and other net income of any kind for real personal property
- 4 Full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability/death benefits, and other similar types of periodic receipts except as provided in line 14 of Annual Income Exclusions
- 5 Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay except as provided in line 3 of Annual Income Exclusions
- 6 Temporary Assistance for Needy Families (TANF), including amounts designated for shelter and utilities
- 7 Alimony, child support payments, and regular contributions from organizations or from persons not residing in the dwelling
- 8 All regular pay, special pay, and allowances of a member of the Armed Forces except as provided in line 7 of Annual Income Exclusions.

- ☐ I certify I have received the following income in the last 30 days, but cannot obtain third party proof.

Please explain why you cannot obtain income documentation:

Income Source	Gross: Last 30 Days	Pay Frequency	Date of Receipt
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

***** **OR** *****

- ☐ I certify I have received income in the last 30 days, but will not receive income from any source in the near future.
Attach documentation of individual's gross income. Documentation must be complete and cover the 30 days preceding the program entry or recertification date. Annualization of individual's income will be \$0.00.

***** **OR** *****

- ☐ I certify I have not received income in the last 30 days. I do not anticipate receiving income from any source in the near future.

I understand that third-party verification is the preferred method of confirming income. I understand self-declaration is only permitted when I have zero income or attempted but cannot obtain third party proof of income. I understand that any misrepresentation of information or failure to disclose information requested on this form may disqualify me from participation in the Program and may be grounds for termination of assistance. It is unlawful to provide false information to the government when applying for federal public benefit programs per the Program Fraud Civil Remedies Act. I agree to report any changes in income to my housing case manager immediately.

Client/Household Member Name: _____

Client/Household Member Signature: _____ Date: _____

Case Manager Name: _____

Case Manager Signature: _____ Date: _____

Appendix C: Self-Declaration of Residency

Must be completed by adult household members who do not have or cannot obtain third party proof of current residency.

I, _____ am applying for housing assistance services.
Client/Household Member

I understand that Program regulations require collection of current residency documentation for all household members 18 years of age and older (my household must reside in the provider's Service Delivery Area (SDA) and documentation must be current as of the program entry or recertification date). I understand that this form is used to declare residency for eligibility determination.

- ☐ I certify I have a fixed address, but cannot obtain third party proof.

Please explain why you cannot obtain residency documentation:

Physical address:

Street and Unit, City, State, Zip, County

Mailing address (if different):

Street/PO Box, City, State, Zip, County

***** OR *****

- ☐ I certify I do not have a fixed address and I am homeless. I cannot provide documentation of current residency.

Physical address/location I stayed last night:

Street and Unit, City, State, Zip, County

Mailing address (if different):

Street/PO Box, City, State, Zip, County

☐ CATEGORY 1

I lack a fixed, regular, and adequate nighttime residence:

- My primary nighttime residence is a public or private place not meant for human habitation; or
- I am living in a temporary shelter (including congregate shelters, transitional housing, and hotels or motels); or
- I am exiting an institution where I have resided for 90 days or less and resided in a place not meant for human habitation or temporary shelter immediately before entering that institution.

☐ CATEGORY 2

I will imminently lose my primary nighttime residence:

- I will lose my residence within 14 days of the date of this self-declaration; and
- I have not identified a subsequent residence; and
- I lack the resources or support networks to obtain permanent housing.

☐ CATEGORY 3

I am an unaccompanied youth under 25 years of age and do not otherwise qualify as homeless, but:

- I am defined as homeless under other federal laws; and
- I have not had permanent housing during the 60 days prior to the date of this self-declaration; and
- I have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- I expect to continue in such status for an extended period of time due to special needs or barriers.

☐ CATEGORY 4

I am fleeing domestic violence:

- I am fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking; and
- I have no other residence; and
- I lack the resources or support networks to obtain other permanent housing.

I understand that third-party verification is the preferred method of confirming current residency. I understand self-declaration is only permitted when I do not have a fixed address or have attempted but cannot obtain third party proof of current residency. I understand that any misrepresentation of information or failure to disclose information requested on this form may disqualify me from participation in the Program and may be grounds for termination of assistance. It is unlawful to provide false information to the government when applying for federal public benefit programs per the Program Fraud Civil Remedies Act. I agree to report any changes in residency to my housing case manager immediately.

Client/Household Member Name: _____

Client/Household Member Signature: _____

Date: _____

Case Manager Name: _____

Case Manager Signature: _____

Date: _____

Appendix D: Interim Recertification Worksheet

Must be completed if the household has experienced a change in income, residency, and/or composition and will remain in the program.

Change in Household Income

HAS THE HOUSEHOLD EXPERIENCED A CHANGE IN INCOME OF \$200 OR MORE PER MONTH?

☐ Yes ☐ No

If yes, did household income increase or decrease?

☐ Increase ☐ Decrease

If yes, date of change: _____

	Household Member	Income Source	Gross: Last 30 Days	Pay Frequency	Date of Receipt
Income change 1:	_____				
Income change 2:	_____				
Income change 3:	_____				

Is household annual gross income still under 80% of AMI per household's county of residence?

☐ Yes ☐ No

Attach documentation of change in income (documentation must be complete and cover the 30 days preceding the recertification date). If household annual gross income exceeds 80% of AMI, household is no longer eligible for the program.

Change in Household Residency

HAS THE HOUSEHOLD EXPERIENCED A CHANGE IN RESIDENCY?

☐ Yes ☐ No

If yes, date of change: _____

New address: _____

Street and Unit, City, State, Zip, County

Does household still reside in the provider's Service Delivery Area (SDA)?

☐ Yes ☐ No

Is household annual gross income still under 80% of AMI per household's county of residence?

☐ Yes ☐ No

Attach documentation of change in residency (documentation must be current as of the recertification date). If household is outside of the provider's SDA, program services will end immediately and household may seek services from the provider in their new SDA. If household annual gross income exceeds 80% of AMI, household is no longer eligible for the program.

Change in Household Composition

HAS THE HOUSEHOLD EXPERIENCED A CHANGE IN COMPOSITION?

☐ Yes ☐ No

If yes, did the number of household members increase or decrease?

☐ Increase ☐ Decrease

If yes, date of change: _____

Household member: _____ ☐ Joined ☐ Left

Household member: _____ ☐ Joined ☐ Left

Household member: _____ ☐ Joined ☐ Left

Does household still include an eligible individual?

☐ Yes ☐ No

Is household annual gross income still under 80% of AMI per household's county of residence?

☐ Yes ☐ No

Attach eligibility documents for all new household members 18 years of age and older. If household does not include an eligible individual, household is no longer eligible for the program unless household qualifies for the provider's grace period. If household annual gross income exceeds 80% of AMI, household is no longer eligible for the program.

I understand that any misrepresentation of information or failure to disclose information requested on this form may disqualify me from participation in the Program and may be grounds for termination of assistance. It is unlawful to provide false information to the government when applying for federal public benefit programs per the Program Fraud Civil Remedies Act.

Client/Household Member Name: _____

Client/Household Member Signature: _____

Date: _____

Case Manager Name: _____

Case Manager Signature: _____

Date: _____

Appendix E: Service Outcome Assessment and Program Exit Worksheet

Track Housing Assistance and Supportive Services outcomes as they occur. If all services have ended and household will be terminated, enter program exit data.

Client Name: _____

First, Middle, Last

Housing Assistance Services: TBRA and/or FBHA Outcome Assessment

Household destination	<input type="checkbox"/> TBRA	<input type="checkbox"/> FBHA (STSH and/or TSH)	
	Service Start Date: _____	Service Start Date: _____	
	Service End Date: _____	Service End Date: _____	Outcome
	<input type="checkbox"/> Continued to the next year	<input type="checkbox"/> Continued to the next year	
	<input type="checkbox"/> Private housing	<input type="checkbox"/> Private housing	
	<input type="checkbox"/> Other HOPWA	<input type="checkbox"/> Other HOPWA	Stable/Permanent Housing
	<input type="checkbox"/> Other subsidy	<input type="checkbox"/> Other subsidy	
	<input type="checkbox"/> Institution	<input type="checkbox"/> Institution	
	<input type="checkbox"/> Temporary housing	<input type="checkbox"/> Temporary housing	Temporarily Stable/Reduced Risk
	<input type="checkbox"/> Emergency shelter/Streets	<input type="checkbox"/> Emergency shelter/Streets	
<input type="checkbox"/> Jail/Prison	<input type="checkbox"/> Jail/Prison	Unstable Arrangements	
<input type="checkbox"/> Disconnected/Unknown	<input type="checkbox"/> Disconnected/Unknown		
<input type="checkbox"/> Death	<input type="checkbox"/> Death	Life Event	

Housing Assistance Services: STRMU Outcome Assessment

Household status	<input type="checkbox"/> STRMU		
	Service Start Date: _____	Service End Date: _____	Outcome
	<input type="checkbox"/> Maintained private housing <u>without</u> subsidy (Client received assistance and is stable, unlikely to seek additional support)		
	<input type="checkbox"/> Other private housing without subsidy (Client found new housing and is stable, unlikely to seek additional support)		Stable/Permanent Housing
	<input type="checkbox"/> Other HOPWA housing assistance (Permanent Housing)		
	<input type="checkbox"/> Other housing assistance (Permanent Housing)		
	<input type="checkbox"/> Institution (e.g., residential and long-term care)		Temporarily Stable
	<input type="checkbox"/> Likely that additional STRMU is needed to maintain current housing		
	<input type="checkbox"/> Transitional facilities/short-term (e.g., temporary or transitional with formal arrangement)		Reduced Risk of Homelessness
	<input type="checkbox"/> Temporary/non-permanent housing (Client ended lease; moved in with someone; will live there 90 days or less)		
<input type="checkbox"/> Emergency shelter/Street		Unstable Arrangements	
<input type="checkbox"/> Jail/Prison			
<input type="checkbox"/> Disconnected/Unknown		Life Event	
<input type="checkbox"/> Death			

STRMU History

☐ Received this year & the prior year ☐ Received this year & the prior two years ☐ Not applicable

Supportive Services: Housing Case Management Outcome Assessment

Check all that apply	<input type="checkbox"/> Supportive Services		
	Service Start Date: _____	Service End Date: _____	Outcome
	<input type="checkbox"/> Received housing case management (Supportive Services or leveraged)		Support for Stable Housing
	<input type="checkbox"/> Had a housing plan for maintaining or establishing stable on-going housing		
	<input type="checkbox"/> Had contact with a case manager per service plan schedule		Access to Support
	<input type="checkbox"/> Had contact with a primary health care provider per service plan schedule		Access to Health Care
	<input type="checkbox"/> Accessed or maintained medical insurance/assistance		
	<input type="checkbox"/> Accessed or maintained sources of income		Sources of Income
	<input type="checkbox"/> Obtained an income-producing job		

Program Exit Date: _____ ☐ Not applicable, continued to the next year

Reason for Exit: ☐ Not applicable, continued to the next year ☐ Completed program ☐ Needs could not be met ☐ Criminal activity/Violence ☐ Non-compliance with program ☐ Death ☐ Disagreement with rules/persons ☐ Left for housing opportunity before completing program ☐ Reached maximum time allowed ☐ Unknown/Disappeared ☐ Other:

Case Manager Name: _____

Case Manager Signature: _____ Date: _____



DESK GUIDE

**FOR MORE INFORMATION
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