



Housing Opportunities for Persons with AIDS (HOPWA) Program Manual

Version 3.0

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With special appreciation to **Steve Starkey**
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Disclaimer

This manual contains a basic overview of the HOPWA eligible activities and requirements but does not and is not intended to replace any existing guidance produced by HUD or an attorney. The information provided in this manual is not intended and does not constitute legal advice. Readers of this manual should contact their attorney to obtain advice with respect to any particular legal matter or question and compliance with applicable law. Information in this manual may not represent the most up-to-date legal or other information. This HOPWA Program manual is subordinate to HUD regulations and federal notices such as CPDs and CFR references.

Note: This manual contains links and references to third-party websites or other sources. Such links and references are for convenience only. The City does not necessarily endorse the contents of said third-party websites or sources

Introduction

This HOPWA Manual is intended to serve as a set of guidelines for Program Staff and Project Sponsors on how to administer the HOPWA Program and is not intended to replace any guidance issued by HUD.

The Housing Opportunities for Persons with AIDS (HOPWA) program is funded by the U.S. Department of Housing and Urban Development (HUD). It provides funding for eligible activities carried out by Project Sponsors to address the housing needs of persons with AIDS or related diseases and their families.

The objectives of the City of Houston's HOPWA Program are to help Eligible Persons:

- Maintain housing;
- Prevent homelessness; and
- Improve access to health care and HIV/AIDS-related services

The HOPWA program is designed to act as a bridge to other long-term housing assistance programs, such as the Housing Choice Voucher program or public housing. Project Sponsors are encouraged to recommend long-term housing assistance to every Eligible Person. See [Appendix A: Local Housing Authorities](#) for list of housing authorities in the area offering long-term housing assistance.

Project Sponsor Eligibility

1 Eligible Project Sponsors

- (a) Entity Type
 - (i) Non-profit Organization; or
 - (ii) Government Housing Agency.
- (b) Capability
 - (i) Certification demonstrating qualifications to provide services.
 - (ii) Federal, state, and local debarment verification.
- (c) Service Area
 - (i) Austin County
 - (ii) Brazoria County

- (iii) Chambers County
- (iv) Fort Bend County
- (v) Galveston County
- (vi) Harris County
- (vii) Liberty County
- (viii) Montgomery County
- (ix) Waller County

2 Eligible Activities

- (a) Short-Term Rent, Mortgage & Utilities (STRMU)
- (b) Tenant-Based Rental Assistance (TBRA)
- (c) Facility-Based Housing Assistance
- (d) Supportive Services
- (e) Permanent Housing Placement (PHP)
- (f) Housing Information Services
- (g) Resource Identification
- (h) Planning and Pre-development or Pre-Construction Expenses
- (i) Administrative Expenses

3 Eligible Costs

- (a) Direct Activity Costs
- (b) Administrative Costs
- (c) Pre-Award Costs

HOPWA Eligible Activity Requirements

This section outlines the activities that may be carried out with HOPWA funds:

1 Administrative Expenses

Project Sponsors must not use more than 7% of the amounts received for administrative costs.

2 Short-term Rent, Mortgage, and Utilities (STRMU)

- (a) STRMU is housing assistance for tenants or mortgagors to remain in their housing.
- (b) STRMU is for Eligible Persons who meet the following eligibility requirements:
 - (i) Family household income at or below 80% of the AMI for the Houston MSA;
 - (ii) Currently housed because assistance is provided to help renters and homeowners remain in their current place of residence;
 - (iii) Documentation of legal right to occupy premises and/or has responsibility for the utility and/or rent or mortgage payment(s), reference [HUD CPD Notice 06-07](#) for examples of supporting documentation;
 - (iv) Demonstrate the lack of resources to meet rent, mortgage, or utility payments and are at risk of homelessness, e.g. the loss of income or health-related issue, reference CPD 06-07 for examples of supporting documentation; and
 - (i) A plan to make future adjustments or changes to ensure their housing stability once STRMU assistance is no longer available.
- (c) STRMU payments cannot be made to Eligible Persons for the same period of time or housing costs, if assistance is also being provided for those costs and period of time through HOPWA or another federal, state, or local housing subsidy program per CPD 06-07.
- (d) Project Sponsors must ensure that of the appropriateness of STRMU in each Client's file on an on-going basis through the development of an individual housing stability plan as outlined CPD 06-07 in accordance with [24 CFR § 574.500\(b\)\(2\)](#).
- (e) **STRMU Eligible Uses and Requirements**
 - (i) Overdue or ongoing rent, mortgage, or utility payments up to 100%;
 - (ii) Rent payments are not limited to Fair Market Rents or reasonable rent limits.
 - (1) If capable, Clients should pay a portion of their housing costs. Any portion paid does not count against 21-week allowed for STRMU assistance.

- (iii) Late fees and other penalties, if the family is at risk of eviction or loss of housing;
 - (iv) STRMU payments must be cost reasonable and represent the actual housing and utility costs;
 - (v) Payments must be made to the third party; not directly to Client.
- (f) **Ineligible STRMU Uses**
- (i) Telephone service, including cellular;
 - (ii) Internet service;
 - (iii) Cable, satellite tv, and/or video streaming services;
 - (iv) Security deposits and first month's rent (these are PHP activities);
 - (v) Moving assistance;
 - (vi) Household supplies and furnishings;
 - (vii) Unit repairs or damages; and
 - (viii) Personal needs.
- (g) **STRMU Eligible Period** – Project Sponsor must ensure that:
- (i) The eligible STRMU period starts on the date the Client first receives STRMU assistance;
 - (ii) Each eligible STRMU period lasts for 52 weeks from the date the Client first received STRMU assistance;
 - (iii) A new eligible STRMU period begins after the 52-week period ends.
 - (iv) If a new eligible STRMU period is used, then the Project Sponsor must obtain written approval from HCD.

3 Tenant-Based Rental Assistance

- (a) Tenant-Based Rental Assistance (TBRA) is used to help Eligible Persons obtain permanent supportive housing including shared-leased housing in the private rental housing market that meets housing quality standards and is rent reasonable.
- (b) TBRA operates similar to HUD's Housing Choice Voucher program where it follows the Client.
- (c) TBRA subsidizes the difference between the Fair Market Rent (FMR) or "reasonable rent" and the tenant's portion of the rent

based on their gross family income or adjusted family income, as described in section [Determining Resident Rent Payment and Assistance](#).

- (d) Reasonable security deposits can be provided as a Permanent Housing Placement (PHP) service to Clients receiving rental assistance under TBRA, except for late and reconnect fees are not.

Note: *Rent to Own agreements are not eligible for TBRA.*

4 Facility-Based Housing Rental Assistance

- (a) Facility-Based Housing Rental Assistance is a subsidy attached to a specific project, property, or facility instead of the Client.
- (b) Eligible activities include:
 - (i) Community residences;
 - (ii) Transitional housing;
 - (iii) Sponsor-based leasing;
 - (iv) Project-based rental housing;
 - (v) Operating costs for housing, e.g. maintenance, security, operation, insurance, utilities, furnishing, equipment, supplies, and other incidental cost;
 - (vi) Capital funds for the acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services; and
 - (vii) Capital funds for new construction of single-room occupancy units or community residences.
- (c) **Minimum Use Period for Structures**
 - (i) Project Sponsors must ensure that any HOPWA-assisted new construction, substantial rehabilitation or acquisition to a building or structure must for a period no less than 10 years must be maintained as a facility to provide housing or assistance for individuals with acquired immunodeficiency syndrome or related diseases; or
 - (ii) For a period not less than years in cases involving non-substantial rehabilitation or repair of a building or structure.
- (d) **Community Residences Requirements**
 - (i) Project Sponsors must ensure that the community residence is:

- (1) A multiunit residence designed for Eligible Persons to provide a lower cost residential alternative to institutional care;
 - (2) To prevent or delay the need for such care;
 - (3) To provide a permanent or transitional residential setting with appropriate services to enhance the quality of life for those who are unable to live independently; and
 - (4) To enable Eligible Persons to participate as fully as possible in community life.
- (ii) Project Sponsors must provide support services as outlined in [24 CFR § 574.300\(b\)\(7\)](#) for Eligible Persons assisted by the community residence.
 - (iii) 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
- (e) Project Sponsors must follow the rent calculation requirements outlined in section [Calculating Income to Determine Client Rent Payment](#) a when determining the subsidy amount, tenant rent payment, and utility allowance.
 - (f) Project Sponsor must contact HCD to discuss any construction and/or rehabilitation projects using HOPWA funds to determine applicable to Build America, Buy America Act (BABA).

5 Supportive Services

- (a) Supportive services include but not limited to:
 - (i) Health services for only individuals with acquired immunodeficiency syndrome or related diseases and not family members of these individuals;
 - (ii) Mental health services;
 - (iii) Permanent Housing Placement;
 - (iv) Drug and alcohol abuse treatment and counseling;
 - (v) Adult day care and personal assistance;
 - (vi) Childcare
 - (vii) Education
 - (viii) Employment assistance and training
 - (ix) Housing case management;

- (x) Legal services;
 - (xi) Life skills management
 - (xii) Meals and nutritional services;
 - (xiii) Outreach
 - (xiv) Transportation costs (limited);
 - (xv) Intensive care (as required); and
 - (xvi) Assistance gaining access to local, State, and Federal government benefits and services.
- (b) Project Sponsors must provide supportive services, directly or indirectly (through referral to another service provider) to Eligible Persons of the program as part of any HOPWA–assisted housing or independently of any housing activity.

6 Permanent Housing Placement

- (a) Permanent housing placement services are used to help Eligible Persons establish a new permanent housing residence.
- (b) Project Sponsors must have a policy in place that outlines Houston’s local limitations and conditions of use for the following permanent housing placement eligible activities once per year:
- (i) Application Fees;
 - (ii) Credit Checks;
 - (iii) Security Deposits;
 - (iv) First and Last Month’s Rent;
 - (v) Rent and Utility Arrears;¹
 - (vi) One-time Utility Cost Reasonable Deposit or Connection Fee for New Service;
 - (vii) Tenant Counseling;
 - (viii) Understanding Leases;
 - (ix) Making Moving Arrangements;
 - (x) Paying for Representative Payee Services;²
 - (xi) Mediation Services;

¹ To be paid when determined to be a barrier to establishing a new permanent housing.

² For Eligible Persons who use such services to better manage their own finances.

- (xii) Move into market rate housing or subsidized housing, e.g. other HUD programs, other than housing funded by HOPWA;
- (xiii) Housing search fees; and
- (xiv) Tenant counseling.
- (c) Project Sponsors must exclude the following costs as PHP:
 - (i) Housing supplies;
 - (ii) Carbon monoxide detector;
 - (iii) Standard furnishings;
 - (iv) Minor repairs to the unit associated with the move-in; and
 - (v) Other incidental costs for occupancy of a housing unit.

7 Housing Information Services

- (a) Housing Information Services include but are not limited to referral services to assist Eligible with locating, acquiring, financing, and maintaining housing.
- (b) Housing Information Services also include housing discrimination guidance for Eligible Persons who may encounter discrimination based on race, color, religion, sex, age, national origin, familial status, or handicap.
- (c) Eligible Persons regardless of income can receive housing information services.

8 Resource Identification

Project Sponsors may use resource identification to establish, coordinate and develop housing assistance resources for Eligible Persons, including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives.

HOPWA Application Process for Eligible Persons

- (a) Generally, Eligible Persons are informed about the HOPWA program and Project Sponsors through their Medical Case Manager.
- (b) Eligible Persons contact the Project Sponsors to initiate the application process.

Determining Eligibility for Eligible Persons

The primary eligibility requirements for individuals or families seeking HOPWA Program services.

Note: Additional eligibility requirements for STRMU apply. See [Short-term Rent, Mortgage, and Utilities \(STRMU\)](#).

(a) HIV/AIDS Status

The individual(s) has received a medical diagnosis of HIV/AIDS as defined by the Center for Disease Control including households where the only Eligible Person is a minor.

(b) Income

(i) Less than 50% of the Area Median Income (AMI) for the Houston Metropolitan Service Area (Houston MSA) for TBRA and Faith-Based Housing Assistance.

(ii) At or below 80% of the AMI for the Houston MSA for STRMU and PHP.

1 Verification of Documentation

Project Sponsors must comply with federal immigration eligibility verification requirements under PRWORA. Verification must include use of the SAVE system or another federally approved method.

(c) Verify documentation of HIV/AIDS status: The family must have at least one individual who is living with HIV/AIDS, including family members under age 18.

(i) A signed and dated statement of HIV/AIDS signed by a physician, certified healthcare worker, such as a physician's assistant, or advanced nurse practitioner or HIV testing site representatives;

(ii) A hospital discharge summary that documents HIV/AIDS status;

(iii) (A lab report indicating a positive HIV test (repeatedly reactive enzyme immunoassay)(EIA), Western blot or indirect immunofluorescence assay (IFA), or rapid screening test); or

(iv) Social Security Administration records indicating the nature of a disability determination.

(d) Verification of Low Income. The total gross income of all family members per [24 CFR § 5.609](#), 18 and older, must be under 50%

or 80% AMI for the Houston MSA depending on the service area, subject to family composition.

- (i) Proof of income no more than 90 calendar days passed the date of the eligibility determination.
 - (1) 3 consecutive months of recent pay stubs; or
 - (2) Previous Year's Income Tax Return – only in cases where income is consistent

Note: *If a family member, aged 18 years or older, does not have any verifiable income, then the Project Sponsor must have the family member sign and date a Zero Income Affidavit form, e.g., HUD Exchange's Zero Income Affidavit for HOPWA.*

- (ii) Proof of Family Composition. The total amount of family members as indicated on the application and supported by documentation, e.g., birth certificate, valid state or federal ID card, court-order guardianship, etc.
- (iii) Calculation of Income Eligibility. The total gross income of all family members compared to the latest [HUD Income Limits and Calculator](#) at the time of eligibility determination, adjusted by locality and family composition.

If any documentation is missing, then the Project Sponsor must give the Eligible Person a specific amount of time (e.g. 15 calendar days) to submit documentation. See [Appendix B: Client File Setup](#).

Note: *If a follow-up appointment has been scheduled with the Eligible Person, then the deadline for document submission may be set for that time.*

- (a) Completed, signed and dated Release of Information (ROI) from all Eligible Person(s), age 18 years and older.
- (b) Completed, signed, and dated Client Participation Agreement

1 Assessment Process

- (a) Declaration of Household Types. At the time of program enrollment/certification and annual recertifications, the Eligible Person must declare the nature of their relationship, if there are other occupants in the household.

Note: *Project Sponsor may require Eligible Persons to sign a statement declaring household type to maintain in the file.*

- (i) **Eligible Person Living Alone.**

(ii) **Eligible Person Living in a Family Unit.** See definition for Family, but for the purpose of declaring household type, the family does not need to reside with the Eligible Person.

(iii) **Eligible Person Living with a Roommate – Shared Housing.**

(1) Roommates , 18 years and older, must be listed on the lease or rental agreement as approved to reside in the unit.

(2) Only the Eligible Person’s income is considered in determining eligibility for assistance.

(3) Only the Eligible Person will receive HOPWA assistance for rent and utilities.

(4) The HOPWA assistance for rent and utilities will be prorated among roommates.

Note: *Clients living in a group home or other institutional setting may qualify for HOPWA assistance, if the unit is not subsidized by another program for the same costs. Each Eligible Person must apply separately.*

(iv) **Eligible Person with a Live-in Aide.** See Term Definitions for Live-in Aide. Live-in Aides are entitled to a separate bedroom in a unit assisted with HOPWA. The following supporting documentation must be submitted to support this household type:

(1) A copy of state license, certification, or certification by aide’s employer or the physician of qualification to provide care needed.

(2) Third-party service contract demonstrating that the Live-in Aide resides in the unit for the sole purpose of providing care.

(3) A lease or signed and dated affidavit demonstrating that the Live-in Aide was not an occupant of the unit prior to providing care to the Eligible Person.

(4) Bank statements from the Eligible Person and Live-in Aide demonstrating separate finances.

(b) Address any immediate needs for shelter, food, clothing, and healthcare.

(c) Identify potential client barriers to locating and sustaining stable housing. See [Appendix D: Issues and Barriers to Housing Stability](#).

- (d) Assess the Eligible Person(s)' resources, establish long-term goals, and link to other program supportive services.

This step may be documented in a Housing Stability Plan.

3 Missing Documentation

If any documentation is missing, then the Project Sponsor must give the Eligible Person a specific amount of time (e.g. 15 calendar days) to submit documentation.

***Note:** If a follow-up appointment has been scheduled with the Eligible Person, then the deadline for document submission may be set for that time.*

Determining Resident Rent Payment and Assistance

If HOPWA funds are used to provide rental assistance, the following requirements apply.

1 Rent Standards

- (a) HUD requires the utilize the Fair Market Rent (FMR) standards or the Housing Choice Voucher Payment (HCVP) standard in setting limits on the total amount of rent and utility allowance for the unit size and type, per the local PHA utility allowance schedule, that a Client can pay for a unit.
- (b) Project Sponsors must provide Clients with a current utility allowance schedule prior to searching for a new unit so that they can determine if the unit falls within the allowable total rental amount that a Client can pay when renting a unit from private landlords, 24 CFR 574.320.
- (c) The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be more than rent currently being charged by the landlord for comparable unassisted units.
- (d) To meet [HUD's Rent Reasonableness](#) requirement, Project Sponsors must document efforts made to determine that the rent requested by the landlord is reasonable.
- (e) Rent reasonableness must be conducted on every unit before assistance is provided, must be documented on a Rent Reasonable Form, and maintained in the Client's file.

- (i) **Rent reasonableness** is determined by comparing the proposed unit with other similar but unassisted units in the private market, considering the location, size, type, and age of the units, the amenities and utilities provided by the owners.
 - (1) **Size:** Units will be compared based on similar number of bedrooms, bathrooms, and square footage
 - (2) **Type:** Units will be compared to similar units (ex. house to house, duplex to duplex, etc.)
 - (3) **Amenities:** The amenities must be similar (ex. garage, appliances, decks/patios, yard, etc.)
 - (4) **Location:** The location of comparable units is determined by looking at units within the same general area (ex. within the same complex, street, subdivision or zip code). This is done to find the most comparable unit closest to the subject unit.
- (ii) Project Sponsors must determine rent reasonableness with one of 3 methods:
 - (1) Complete the [Rent Reasonableness Checklist and Certification](#) for each TBRA assisted unit.
 - (2) Create a local housing spreadsheet comparing a variety of units across the service area. Proposed units will be compared with similar units on the chart that are located within the same area (by neighborhood or zip code). This spreadsheet would contain information regarding the unit size, number of bedrooms, type of construction, amenities, approximate age of building and utilities provided. The information can be obtained from units listed in the real estate multiple-listing service, newspapers, apartment locating agencies and publications, the local housing authority, as well as lease information submitted by landlords. This database must be updated regularly to ensure the most current information is utilized to compare rent reasonableness. Some local housing authorities will share their rent reasonable information with local non-profits; or.
 - (3) Work with local Public Housing Authorities to obtain lists of rent reasonableness for their respective areas.
- (iii) To qualify as “reasonable,” the proposed unit’s gross rent (including rent and utility allowance) cannot be more than 10% above the average gross rent of a minimum of 2 comparable

units (or the average of the units by area if using the local housing spreadsheet).

2 Rental Assistance

- (a) Project Sponsors must pay the balance of the rent up to the per [24 CFR § 320\(a\)](#):
 - (i) Lesser of the contract (lease or rental agreement) rent; or
 - (ii) Most current Fair Market Rent (FMR) value and reasonable rent for comparable units in the area.
- (b) Project Sponsor must make rental payments directly to the landlord.
- (c) Project Sponsors must maintain any documentation used to determine TBRA assistance, including but not limited to the Client's rent payment, utility allowance (if applicable) and rent reasonableness in the Client's file.

3 Client Rent Payment

- (a) Except for STRMU, Project Sponsors must ensure that Clients receiving rental assistance or residing in any rental housing assisted with HOPWA funds, e.g. Facility-Based Rental Housing, pay rent, including utilities, an amount which is the higher of the three [24 CFR § 574.310\(d\)](#):
 - (i) 10% of gross family income (gross family income is the total of all pre-tax income received by all family members, including earnings from income-producing assets);
 - (ii) 30% of the family's monthly-adjusted income (adjusted income is figured using the list of income inclusions and exclusions detailed in HUD regulations [24 CFR §5.609](#), [§5.611](#) and [§5.617](#)); or
 - (iii) The portion of a family's payment welfare assistance designated for housing costs as determined by the agency providing welfare assistance.

4 Calculating Income to Determine Client Rent Payment

- (a) Project Sponsors must calculate the Client's rent payment based on total family income, regardless of the total lease or rent amount for a housing unit, refer to [CPD 22-10](#).
- (b) The rental assistance that the Project Sponsor pays is the difference between the Client's payment portion and the total

approved contract rent for the unit (according to the lease agreement with the property owner).

- (c) There are three key steps Project Sponsors must use to determine a family's portion of rent payment:
 - (i) Calculation of gross and adjusted family income per 24 CFR Part 5;
 - (ii) Calculation of Client's rent payment (based on income); and
 - (iii) Calculation of the utility allowance credit (if applicable) resulting in the final HOPWA subsidy payment amount.
- (d) HOPWA income eligibility and rent calculation regulations refer to portions of HUD Regulations at 24 CFR Part 5.

Note: *There are some differences between HCVP and HOPWA. Caution should be used in transferring procedures from one program to the other.*

- (e) Project Sponsors may utilize and [CPD Income Eligibility Calculator and Income Limits](#) to assist with calculating income and Clients' rent payment.

5 Calculating Utility Allowance (if applicable)

- (a) In cases where Clients are expected to pay for utilities instead of the landlord, Clients must establish accounts with the local utility company and pay the entire monthly costs for usage.
- (b) In such case, Project Sponsors must subtract an allowance for reasonable consumption from the Client's rent payment portion (the higher of 10% of monthly gross income or 30% of the monthly adjusted income).
- (c) Utility allowances are established locally by the Public Housing Authority (PHA) based on local utility rates and are updated annually.
- (d) Project sponsors should contact the PHA in their area to obtain the most current Utility Allowance Schedule for use in the computation of the client's rent payment.

Note: *If Project Sponsors are unsure which PHA to contact, reach out to HCD for guidance.*

- (e) Project Sponsors must remind Clients that the utility allowance for their out-of-pocket utility costs is deducted from their portion of the rent payment to the landlord; therefore, Clients are

responsible for paying the full utility bill each month directly to the utility company.

Note: *In rare cases, after the utility allowance is credited, the Client’s rent portion may result in a negative amount – meaning that the Project Sponsor must refund that amount each month to the Client OR pay it directly to the utility company on the Client’s behalf. The Project Sponsor must notify the Client in writing of the amount paid to the utility on their behalf and maintain documentation in the Client’s file.*

6 Occupancy Standards

- (a) The amount of TBRA a Project Sponsor pays the landlord on behalf of the Client is based on the number of bedrooms for which the family is eligible and the actual number of bedrooms in the unit.
 - (i) HUD will only provide rental subsidies to families living in appropriately sized units.
 - (ii) The goal is to subsidize the smallest sized unit possible without creating overcrowding.
- (b) Local Public Housing Authorities establish their own HUD–approved subsidy standards, generally in accordance with the following criteria:
 - (i) The unit size assigned should not require more than two persons to occupy the same bedroom, except that a very small child (less than 2 years of age) may share a one–bedroom unit with a single parent.
 - (ii) The unit size assigned should not require persons of opposite sex other than a couple to occupy the same bedroom except for infants and very young children.
 - (iii) A two–bedroom unit may be used by a two–member family which consists of a single parent and child or by a couple who, due to medical reasons, must have separate bedrooms, as verified by their physician and approved by the Project Sponsor.
 - (iv) These principles result in the following standards:

Number of Bedrooms	Minimum Number of Persons in Household	Maximum Number of Persons in Household
0	1	1
1	1	2
2	2	4
3	3	6
4	6	8

5	8	10
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Note: HUD does permit other rooms in a unit to be used as sleeping areas and Project Sponsors should follow the approved policy for sleeping areas used by their local public housing authority (PHA).

- (a) **Exceptions to Occupancy Standards** – Families may occupy a larger unit size under the following conditions:
 - (i) The age, sex, health, or handicap of a family member may warrant the assignment of a larger unit size given that an established set of criteria is met and must be documented in the Client’s file; or
 - (ii) In cases where market rents are much lower than FMR or HCVP payment standards. The rent for the larger unit must be at or below the payment standard of the appropriately sized unit.

Note: If the rent of the larger unit size were to increase above the appropriately sized unit, then the Client and their family will be required to move into a smaller unit within the allowable payment standard.

Compliance Requirements

1 Federal Policy Requirements

- (a) Project Sponsors must comply with the following federal restrictions and mandates:
- (b) No use of HOPWA funds to promote gender ideology, consistent with Executive Order 14168.
- (c) No use of HOPWA funds to fund or promote elective abortions, pursuant to Executive Order 14182 (Hyde Amendment enforcement).
- (d) Compliance with all applicable federal anti-discrimination laws, including Title VI of the Civil Rights Act of 1964, is material to HUD’s funding determinations.
- (e) Project Sponsors must administer grants consistent with immigration restrictions under Personal Responsibility and Work Opportunity Reconciliation Act (PWORA) (8 U.S.C. §§1601–1646) and Executive Order 14218. HOPWA funds may not be used in a manner that subsidizes or promotes illegal immigration or shields

individuals unlawfully present in the United States from deportation.

- (f) Project Sponsors must use the Systematic Alien Verification for Entitlements (SAVE) program, or another federally approved verification system, to prevent federal benefits from being provided to ineligible aliens.
- (g) Faith-based organizations may serve as subrecipients on the same basis as any other organization. Project Sponsors may not discriminate against an organization based on religious character, affiliation, or exercise

2 Cooperation

Per 24 CFR § 574.420, Project Sponsors must cooperate and coordinate providing assistance to Clients with agencies of relevant State and local government responsible for services in the area.

3 Supportive Services

Per 24 CFR § 574.500(b)(3), Project Sponsors must assure adequate provision of supportive services to Clients and Eligible Persons.

4 Ongoing Assessments

Per 24 CFR § 574.500(b)(2), Project Sponsors must conduct ongoing assessments of the housing assistance and supportive services provided to Clients.

5 Housing Counseling

Housing counseling (as defined at 24 CFR § 5.100) funded with or provided in connection with HOPWA must comply with 24 CFR § 5.111 and 24 CFR § 574.660; incidental services within case management are not “housing counseling.

6 Fee Prohibitions

Per 24 CFR § 574.430, Project Sponsors must not charge any fees, except for rent, of any Client or Eligible Person for any housing or services assisted with HOPWA funds.

Landlords may charge a one-time charge for credit and rental history checks for housing applicants, and fees for family pets (not service pets). Landlords may also charge optional fees for meals or recreational activities, e.g. movies or community events).

7 Broadband Infrastructure Requirements

Project Sponsors must ensure the installation of broadband infrastructure as defined at [24 CFR § 5.100](#) for any new construction or rehabilitation of a building with more than 4 rental units for which HOPWA funds were first obligated on or after January 19, 2017.

8 Unit Absence

- (a) Project Sponsors must develop and enforce a Unit Absence Policy that requires:
 - (i) Clients to continue to reside in the assisted unit and do not exceed 30 consecutive calendar days of absence, except in approved cases such as hospitalization or residential treatment for substance use disorder or mental health concerns.
 - (ii) Clients to notify the Housing Case Manager/Coordinator and landlord of approved absences and continue to pay their portion of the rent; and
 - (iii) The Project Sponsors must consider the unit abandoned if absence is beyond 30 consecutive calendar days without an approved case. Project Sponsors may waive the requirements of this policy in consultation with Public Services Division approval.

9 Reasonable Accommodation/Modification

- (a) Project Sponsors must provide a written and verbal notice applicants and tenants of their right to request reasonable accommodation/modification (RA/M) in compliance with the Fair Housing Act ([24 CFR § 100.204](#)), Section 504 ([24 CFR Part 8](#)), ADA ([28 CFR Part 35](#)), and Title III Of the ADA ([28 CFR Part 36](#)).

Note: *Any reasonable accommodation documents provided to the applicants and tenants from the Project Sponsors are to benefit not burden the applicants and tenants.*

- (b) Project Sponsors must notify tenants receiving a termination of assistance of their right to RA/M.
- (c) Project Sponsors must allow applicants and tenants the right to submit a written or verbal request for RA/M.
- (d) To show that reasonable accommodation is necessary, there must be an identifiable relationship between the barrier, the disability, and accommodation/modification.
- (e) Project Sponsors are permitted to request verification of a disability certified by a physician, nurse practitioner, physician's

assistant, psychologist, counselor, clinic, caregiver, or other qualified professional.

- (f) Project Sponsors are not required to request verification of disability from applicants or tenants when the disability is obvious.
- (g) Project Sponsors are not permitted to ask about disabilities beyond what is required to establish the existence of a disability and efficacy of the requested accommodation to address the barrier caused by the disability.
- (h) Project Sponsors must respond and evaluate request for RA/M within a timely manner.
- (i) For reasonable modifications, Project Sponsors are required to pay for modifications, unless the Project Sponsor can demonstrate that the modification poses an undue financial and administrative burden.
- (j) For reasonable modifications, Project Sponsors may impose a condition that requires the modification to be completed in a workmanlike manner with all required permits obtained.
- (k) Project Sponsors should have standard operating procedures that:
 - (i) Identify staff responsible for reviewing and approving requests for reasonable accommodations.
 - (ii) Respond to request in a timely manner.
 - (iii) Outline the supervisors' review and approval process of denied request for RA/M before applicants and tenants are notified.
 - (iv) Identify the acceptable reasons for a denial of a request for RA/M:
 - (1) Absence of Nexus
 - (2) Undue Financial and Administrative Burden
 - (3) Fundamental Alteration in Program
 - (4) Individual Poses a Threat to Staff or Residents
 - (5) Notify applicants or tenants when a request for RA/M is denied.
 - (6) Identify alternatives for denied request for RA/M.
 - (7) Require the notification of an appeals process to applicants
 - (8) Notify applicant or tenant and board of directors of denied request for RA/M.

- (9) Outline the steps for storing logs and documentation related to request for RA/M for four years.

Note: *The statute limitation for denied request for RA/M and alleged discrimination is two years.*

9 Renting from Family

- (a) Project Sponsors must ensure that rental assistance is not approved for Client's renting property or a room from their family member (parent, child, grandparent, grandchild, sister, or brother of any family member).
- (b) If a Client requires the care for their illness from a family member whose income is slightly above the 80% AMI when including the Client's income, then a reasonable accommodation may be granted through HCD and local HUD Field Office to: 1) not consider the family's income in the income eligibility determination and 2) base the Client's rent on a prorate share of the total bedrooms in the unit.

Note: *An agreement from the family member must be retained in the Client's file.*

10 Inspection

- (a) In accordance with [24 CFR § 574.310\(b\)](#), HCD and Project Sponsors must ensure that all housing assisted with HOPWA funds is inspected for compliance with state, local, and HUD housing standards ([24 CFR § 5.703](#)). This is applicable to the following:
 - (i) Acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services;
 - (ii) New construction (for single room occupancy (SRO) dwellings and community residences only);
 - (iii) Project–or tenant based rental assistance, including assistance for shared housing arrangements; and
 - (iv) Operating costs for housing include maintenance, security, operation, insurance, utilities, furnishing, equipment, supplies, and other incidental costs.
- (b) Housing must at minimum meet HUD's [National Standards for the Physical Inspection of Real Estate \(NSPIRE\)](#), effective October 1, 2025, or as amended by HUD.
- (c) Before funds are provided for housing, Project Sponsors must certify the unit meets the NSPIRE.

- (i) Case Managers or their designee are allowed to inspect units without any specialized training.
- (ii) Case Managers or their designee must conduct a home visit to determine that the housing meets the standards listed on the inspection form.
- (d) Project Sponsors must conduct inspections before the Clients move-in, during an annual recertification, and upon request from the Client or Project Sponsor due to concerns or complaints.
- (e) Project Sponsors must not perform no more than 3 inspections on a housing unit.
- (f) If a housing unit fails an inspection, then Project Sponsors must:
 - (i) Submit a written notification and inspection report to the Property Owner and/or Property Manager and the tenant.
 - (1) The written notification should state that a scheduled reinspection should occur no later than 30 calendar days from the date of notice.
 - (2) The written notification should also include the inspection deficiencies that must be corrected by that date.
 - (3) If after 60 calendar days the unit does not pass an inspection and the Case Manager has attempted on several occasions to communicate with the Property Owner and/or Property Manager, then the Case Manager should:
 - a) Assist the Client with seeking suitable housing; and
 - b) Stop HOPWA assistance to the property.

11 Unit Move-in

These provisions are applicable to Tenant Based Rental Assistance (TBRA), Project Based Rental Assistance (PBRA), Short-term Rental, Mortgage, and Utility assistance (STRMU). Project Sponsors must establish policies and procedures that govern move-in prerequisites that must be met before the client moves into a unit, such as:

- (a) Evaluation of unit;
- (b) Application to rent unit submitted to landlord;
- (c) Review of unsigned lease by Project Sponsor staff;
- (d) Confirmation of rent reasonable, occupancy, and NSPIRE standards;
- (e) Signed landlord participation agreement;

- (f) Landlord's completed and signed IRS W-9 by the landlord;
- (g) Landlord's Taxpayer Identification Number and Certification;
- (h) Move-in Authorization;
- (i) Signed Lease by landlord and Client (before rental assistance can be issued);
- (j) Final calculation of Client's rent, utility allowance, subsidy, and account setup; and
- (k) Authorization of move-in costs paid by Project Sponsor's program, if applicable.

12 Home Visits

- (a) Project Sponsors should have a Home Visit Policy that requires:
 - (i) Home visits to be scheduled during the daylight hours;
 - (ii) No less than two employees should conduct a home visit'
 - (iii) Employees conducting a home visit must carry a mobile phone and/or personal alarm.
 - (iv) Employees to document via email calendar the home visit time, date, and Client unique identified code and the expected return date; and
 - (v) Employees to assess if the neighborhood and/or unit appears safe and if the employee determines that the neighborhood and/or unit appears unsafe, then they are required to reschedule, and additional employees should return at a later day and time.
 - (vi) Employees to notify the Clients of scheduled and rescheduled home visits;
 - (vii) Employees must only enter a unit when invited; and
 - (viii) Outlines steps to take in case of an emergency, such as a code word to use that would indicate that the employee needs assistance.
- (b) Project Sponsors' policy should indicate that it is the employee's responsibility to ensure their own safety, to inform them of their whereabouts, and withdraw from situations that feel unsafe.

13 Annual Recertification

- (l) Income eligibility must be reassessed at least annually from the date of the last certification to account for any changes to family income and family composition.
- (m) For seasonal or part-time employment, reassessment of family income and family composition may occur more often, e.g. quarterly or bi-annually.
- (n) For short term, mortgage, or utility assistance, reassessment of family income and family composition must occur each month that assistance is requested.

14 Waiting List

Project Sponsors that elect to have a waiting list must develop and maintain a waiting list policies and procedures in compliance with nondiscrimination and equal opportunity federal requirements at [24 CFR § 5.105](#). Waiting list policies and procedures should outline:

- (a) While HOPWA does not outline any method for waiting lists, the waiting list policies and procedures should outline the waiting list method, e.g., lottery drawing or first-come, first serve;
- (b) The disallowance of applicants on the waiting list in anticipation of life events that may qualify them as an Eligible Person in the future;
- (c) Regular updates to the waiting list based on eligibility;
- (d) Notifying all parties involved in the applicant's care before removing the applicant from the waiting list;
- (e) Withdrawing applicants that do not meet eligibility;
- (f) Notifying the top 2-3 applicants on the waiting list in preparation for the next steps in the process; and
- (g) Verifying, at least every 6 months, that the applicants on the waiting list have up-to-date contact information and are in current need for HOPWA assistance.

15 Violence Against Women Violence Act (VAWA Act)

- (a) VAWA provides housing protections and remedies to victims of domestic violence, dating violence, sexual assault, and stalking. VAWA housing protections apply to following HOPWA funded activities, with limited applicability to Short-term Rental Mortgage and Utility (STRMU):
 - (i) Acquisition;

- (ii) Rehabilitation;
- (iii) Conversion;
- (iv) Lease;
- (v) Repair of facilities to provide housing;
- (vi) New construction
- (vii) Operating Costs;
- (viii) Project-based rental assistance;
- (ix) Tenant-based rental assistance; and
- (x) Community residences.

(b) **VAWA Eligibility**

- (i) Applicants and Eligible Persons receiving HOPWA assistance;
- (ii) All genders;
- (iii) Victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, race, color, national origin, religion, sex, familial status, disability, or age.

(c) **VAWA Protections**

- (i) Project Sponsors must ensure that applicants and tenants of HOPWA- assisted units or HOPWA rental assistance are:
 - (1) Provided a Notice of Occupancy Rights and Certification –
 - a) At the time the person is denied rental assistance or admission to HOPWA-assisted unit;
 - b) At the time the person is admitted to a HOPWA-assisted unit or provided rental assistance;
 - c) With any notification of eviction from the HOPWA-assisted unit or notification of termination of rental assistance; and
 - d) During the 12-month period following 12/16/2016, either during annual certification or lease renewal.
 - (2) Prohibited denial or termination of assistance or eviction based on the applicant or tenant being or has been a victim of any of the four types (domestic violence, dating violence, stalking, and/or sexual assault), if the applicant or tenant

otherwise qualifies for admission or occupancy, 24 CFR § 574.604(a)(2).

- (3) Receive a VAWA lease term/addendum to the lease of all HOPWA–assisted units and rental assistance outlining all requirements under [24 CFR part 5 Subpart L](#):
 - a) Prohibited bases for eviction;
 - b) Construction of lease terms and terms of assistance; and
 - c) Confidentiality of documentation submitted to tenants requesting emergency transfers and each of the tenants' location; and
 - d) Tenants' rights to terminate the lease without penalty if a determination is made that the tenant has met the conditions for an emergency transfer.

(ii) Project Sponsors must develop and administer:

- (1) An emergency transfer plan in accordance with [24 CFR § 5.2005\(e\)](#), and facilities emergency transfers; and
- (2) A policy that determines a reasonable grace period for remaining family members residing in the unit to establish eligibility for HOPWA assistance or to find alternative housing, which shall be a period of no less than 90 calendar days nor more than a year from the date of bifurcation of a lease.
- (3) Project Sponsor must report the requests and outcomes of emergency transfers to HUD annually via CAPER.
- (4) Failure to comply constitutes default, and HUD may invoke remedies under 2 C.F.R. § 200.339 after informal consultation as required by 24 C.F.R. § 574.500(c).

(d) **VAWA Remedies**

- (i) Project Sponsors may bifurcate a lease or remove a family member from a lease to evict, remove, terminate occupancy rights, or terminate assistance to a family member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking against an affiliated individual or other individual:
 - (1) Without regard to whether the family member is a signatory to the lease; and

- (2) Without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
- (ii) Project Sponsors, exercising the option to bifurcate a lease, must provide to any remaining family members that are not already eligible, a grace period of 90 calendar days from the date of bifurcation of the lease, but not more than a year to establish eligibility to HOPWA assistance or to find alternative housing.
- (1) Housing assistance and supportive services under the HOPWA program must continue for the remaining family members during the grace period.

16 HOPWA Assistance Termination

Project Sponsors must have policies and procedures that outline the termination of assistance for Clients.

- (a) Policies must stipulate that termination policies and procedures are:
 - (i) Provided to the Eligible Person(s) upon program enrollment; and
 - (ii) The Client must sign a copy of the termination policies and procedures; and
 - (iii) The signed copy of the termination policies and procedures must remain in the Client's file.
- (b) Policies must outline the basis for terminating assistance, subject to the Violence Against Women's Act (VAWA), per [24 CFR § 574.310\(g\)\(2\)](#);
 - (i) When total family income is over 50% AMI for Tenant Based Rental Assistance (TBRA) or Facility Based Assistance;
 - (ii) When total family income is over 80% AMI for Short-term Rental, Mortgage, and Utility (STRMU) assistance or Permanent Housing Placement (PHP);
 - (iii) Excessive damage, beyond normal wear and tear, caused by the Client, their family or their guest, e.g., vandalism, arson, breaking or soiling floors, walls, windows, doors, and/or appliances.
 - (iv) Moving into a new unit without program authorization;

- (v) Criminal acts in connection with federal housing program, e.g., false statements, misrepresentation, or other fraudulent means to disclose a material fact used in deciding on the client's eligibility to receive services;
 - (vi) Threatening or abusive behavior (including verbal and/or nonverbal, either implicitly and/or explicitly) toward the Project Sponsor's staff member, neighbor(s), or the landlord when the behavior constitutes a legitimate threat of violence to themselves or others, immediate termination is warranted;
 - (vii) Failure to notify Project Sponsor of change in income within 30 calendar days;
 - (viii) Failure to submit required documentation within 30 calendar days of the request;
 - (ix) Failure to attend appointments, except in the case of illness or other communicated extenuating circumstances;
 - (x) Failure to locate suitable housing within the required timeframe;
 - (xi) Failure to apply for and/or accept long-term stable housing assistance from other sources, e.g., housing choice voucher;
 - (xii) Failure to cooperate with the Housing Stability Plan and reassessments; and.
 - (xiii) Repeated failure to submit timely payment of rent
- (c) Policies that require the documentation of chronological events in the Client's file, including but not limited to:
- (i) Detailed chronological case notes of the events that occurred:
 - (1) The Project Sponsor(s)' efforts to resolve the violation;
 - (2) The Client's efforts to take corrective action or lack thereof; and
 - (3) Circumstances that will result in termination of assistance and services.
 - (ii) Copies of landlord-tenant notices to comply with Lease Agreement and Housing Rules;
 - (iii) Police reports indicating behaviors by any family member, guest, or anyone within the Client's control, which threatens the life, safety, or right to peaceful enjoyment of the premises by residents or staff;

- (iv) Police reports, arrests, convictions for drug-related criminal activity of any family member, guest, or anyone within the Eligible Person(s)' control;
- (v) Documentation of failed diligent search for Client who has abandoned the HOPWA-assisted unit; and
- (vi) A list of witnesses (landlord, family member(s), guest, tenant, etc.) who can attest to the behavior of the Client.

Note: *The landlord as a witness, absent of other witnesses, is not sufficient evidence of program violation.*

- (d) Procedures that recognize the rights of Client receiving assistance to due process of law. The procedures must at minimum consist of:
 - (i) Serving the Client with a written notice containing:
 - (1) Information leading to the decision;
 - (2) The procedures for requesting an appeal and review, including, but not limited to:
 - a) Number of days the Client has until contact the Project Sponsor to request an appeal;
 - b) Whether the request can be made in-person, email, or mail;
 - c) Termination process timeline;
 - d) Option for requesting an extension to review information or gather new information needed to present their case for an appeal;
 - e) The Project Sponsor staff member, by title, who is responsible for scheduling the appeal and review;
 - f) A copy of the tenant's responsibilities (or similar);
 - g) Attach a copy of the termination process;
 - h) Assert that HOPWA assistance will continue throughout the termination process;
 - i) A list of supportive services available to assist with the termination process; and
 - j) A list of legal aid organizations.
 - (ii) Permitting the Clients to:
 - (1) Present written objections;

- (2) Confront witness(es);
 - (3) Be represented by their own council before the Project Sponsor's staff other than the staff (or subordinate of that staff) who made or approved the termination;
 - (4) Be provided with evidence collected; and
 - (5) Understand the resources that are available to them through the process.
 - (6) State that appeals be heard by an impartial party.
- (iii) Providing prompt written notification of the final decision;
- (1) For rescinded termination, the prompt written notification should provide:
 - a) An explanation for the rescission of the termination;
 - b) An outline of any agreements made as part of the termination process;
 - c) A reminder of tenant responsibilities and program rules;
 - d) A detailed summary of the termination process, e.g., the discussion(s) and steps followed.
 - (2) For sustained termination, the prompt written notification should provide:
 - a) An explanation for sustaining the termination;
 - b) A detailed summary of the termination process, e.g., the discussion(s), steps followed, and evidence.
 - c) A 30–calendar day notice to Client and landlord informing them that HOPWA assistance will not end until the 1st month following the 30–calendar day notice;
 - d) Describe the HOPWA assistance that will terminate;
 - e) Explain that HOPWA case management is not terminated as this service is not tied to receiving rental assistance;
Note: *Case management services may be terminated in the event of severe violations.*
 - f) Describe how the Client can reapply for assistance in detail; and
 - g) Outline locally available services and housing assistance resources.

- (e) Policies and procedures for managing surviving family members listed on the HOPWA assistance application and lease agreement, and who were residing in the unit at the time of the family member qualifying the family for HOPWA assistance became deceased.
 - (i) Indicate the grace period before termination of rental assistance to surviving family members, which the period shall be no less than 90 calendar days nor more than one year from the date of termination of assistance.
 - (ii) Indicate that assistance is terminated upon expiration of grace period, unless surviving members become eligible for rental assistance before expiration of the grace period.
 - (iii) Instruct landlord to refund any amount of the direct deposit paid by HOPWA assistance to the Project Sponsor; and
 - (iv) Outline a list of housing resources;
 - (v) Perform service referrals.
 - (vi) If a surviving family member(s) has a HIV diagnosis and was identified during the certification or recertification process as eligible, the HOPWA assistance will continue as long the surviving member is eligible.
 - (1) Recertification of surviving member must occur within 30 calendar days of the deceased family member.

17 Reinstatement of HOPWA Assistance

Project Sponsors must establish a policy on reinstating HOPWA assistance after termination. The policy must include, but not limited to:

- (a) The reinstatement period. Generally, 6 months to 2 years from the date of termination for violation of program requirements and/or lease agreement;

Note: *Clients terminated for fraud, sex offender registration, or convictions of manufacturing or producing methamphetamine on the premises of federally assisted housing are prohibited for life from federal housing assistance.*
- (b) The following basis for reconsidering reinstatement of HOPWA assistance:
 - (i) A reassessment of the Client's living situation;
 - (ii) A written statement from the Client explaining the situation that gave rise to the current termination from the program,

including the steps the Client has taken since termination to address the behavior resulting in termination from the program and the Client's plan to secure and maintain stable housing.

18 Harassment

Project Sponsors must have policies that prohibit harassment and procedures that outline the steps on how to address violations of the harassment policy, including the documentation of harassment.

19 Confidentiality

Project Sponsors must have confidentiality policies and procedures that are in compliance with the [Health Insurance Portability and Accountability Act \(HIPAA\)](#), [Texas Medical Records Privacy Act \(TMPRA\)](#), [24 CFR § 574.440](#) and HCD Policy #01-41: Personally Identifiable Information Policy privacy and safeguard provisions.

- (a) Confidentiality policies and procedures must:
 - (i) Ensure confidentiality of the name of any Eligible Person assisted and any other information regarding the Eligible Person receiving assistance, such as HIV status, HIV diagnosis, general medical history, mental health, substance use history etc.;
 - (ii) Require the creation and use of unique identifiers for Clients rather than using the Clients' name.
 - (iii) Outline the process for how staff will gather, record, and store confidential information;
 - (iv) Delineate the protocol for the release of confidential information:
 - (1) Obtain written consent from the Client before the release of confidential information to staff or entity;
 - (2) Limit confidential information to staff or family only if:
 - a) It is required for the staff or family to properly perform their normal job functions; and/or
 - b) The Client has become deceased.
- (v) Specify the requirements for informing Clients of their rights to confidentiality;

Note: *Notification of death does not include notification of the cause of death or other protected health information.*

- (vi) Outline the protocol for disclosing to the Client that all of their information in their file is confidential and will not be released without a signed release of confidential information;
- (vii) Layout the steps for responding to breaches of confidentiality;
- (viii) Identify the privacy standards related to:
 - (1) Relevant state and federal laws;
 - (2) Data collection and use of participant information for program reporting, such as HMIS; and
 - (3) Referral process of clients between organizations and networks.
- (ix) Ensure that staff and external organizations comply with confidentiality policies and procedures.

20 Release of Information

- (a) Project Sponsors must ensure that written authorization in the form of a completed, signed, and dated ROI is on file before disclosing information to any entity.
- (b) The Release of Information (ROI) must comply with HIPAA, Texas Medical Privacy Act, and other applicable laws.
- (c) While written consent on the ROI is voluntarily, Clients must be informed that written consent to disclose their HIV status and family income to their case manager is required for HOPWA assistance.
- (d) Before obtaining a ROI from Clients, the ROI must identify the entity requesting information.
- (e) The original completed, signed and dated ROI must be maintained in the Client's file.
- (f) The ROI on file must be updated at least annually in accordance with local Ryan White or case management standards.
- (g) In the absence of a completed, signed, and dated ROI by the Client, information identifying their HIV status must not be disclosed to any entity.

21 Secure Communication

- (a) Project Sponsors must not release any information or documentation by phone, email, or mail that directly or indirectly discloses a Client's name, HIV status or identifies them as a Client of the HOPWA Program unless a completed, signed, and dated ROI

is on file and the information is released through a secure method that ensures confidentiality.

- (b) Correspondences, envelopes, and checks to landlords, utilities, etc. must not reveal that a Client is receiving HOPWA assistance. This can be accomplished by establishing a checking account for the provision of HOPWA assistance using a neutral account name such as “Housing Fund” or “Assistance Fund.”
- (c) Clients’ concerns must be discussed discreetly to prevent others from overhearing any confidential information.

22 Storage of Records

Project Sponsors must:

- (a) Ensure that Clients’ records are maintained and stored in a locked drawer or cabinet located in a central area with controlled access at all times.
- (b) Refrain from leaving Clients’ records on staff’s desk without oversight by the authorized staff.
- (c) Create and maintain policies and procedures that require:
 - (i) The creation and use of unique identifiers for Clients’ records/files rather than using the Client’s name.
 - (ii) Secure removal and maintenance of Client’s records/files from the office for home visits to ensure that records are not lost or damaged.

23 Clients Access to Records

Upon written request, Clients must be allowed access to review their records/file. In doing so, Project Sponsors must provide a private location within the agency for the Client to review their records/file.

Clients must not be allowed to leave the agency with their records/file; unless they are granted photocopies upon written request.

24 Procurement Procedures

Project Sponsors must maintain and use documented procedures for procurement transactions under the Federal subaward. These procedures must include the general procurement standards outlined at 2 CFR § 200.318, and:

- (a) Establishing and maintaining effective internal controls;
- (b) Comply with Federal statutes, regulations, and terms and conditions;

- (c) Evaluate and monitor compliance; and
- (d) Take prompt action on audit findings.

25 Reimbursement Requests

- (d) Project Sponsors must comply with the reimbursement requests policies and standard operating procedures outlined in their subrecipient agreement.
- (e) Project Sponsors must submit a reimbursement request to HCD Public Services on the 20th of each calendar month during the subrecipient agreement for eligible costs incurred and paid the preceding calendar month.
- (f) Reimbursement requests must include invoices, timesheets, pay stubs, receipts, proof of payment, bank statements, front and back of checks, templates, and any other documentation requested.
- (g) In general, the Department makes payments on reimbursement requests within 20 working days of the date the reimbursement request is submitted.

***Note:** The payment is subject to the amount allowable under the subrecipient agreement between the Project Sponsor and the City, and the City and HUD. Project Sponsors will be notified by HCD Public Services of any ineligible costs.*

26 Program Income

- (a) Project Sponsors are responsible for tracking and reporting program income to HCD. HOPWA program income is mainly generated by HOPWA funded transitional or permanent housing program. The rent collected from these programs is reported as program income.
- (b) The Client's portion of the rent is not eligible for reimbursement, and Project Sponsors are responsible for ensuring that no duplication occurs in reimbursement of rent. For permanent housing placement (PHP) services, Project Sponsors must describe how program income is applied to rent, security deposits and other eligible PHP costs.
- (c) Examples of additional possible program income include but are not limited to:
 - (i) Staff time to conduct assessments of family needs;
 - (ii) Staff time to conduct initial housing inspection;
 - (iii) Laundry machines;

- (iv) Vending machines;
 - (v) PHP deposit repayments; and
 - (vi) Client repayments for back-due rent or damages to the unit beyond normal wear and tear.
- (d) All program income received may be added to any budget line item approved in the current subrecipient agreement budget with HCD, except Administrative Costs.
- (e) All program income is to be treated as additional HOPWA funds and used only for allowable costs under the Grant Agreement between the City and HUD.
- (f) For monthly Requests for Reimbursements, Project Sponsors must:
- (i) Track and maintain records for all sources and amounts of program income and report this information with the monthly request for reimbursement;
 - (ii) Indicate the program income to the budget line item in the subrecipient agreement.
- (g) At program year-end with the final reimbursement and performance report, Project Sponsors must provide HCD with a summary of the annual total sources and amount of program income received and indicate which subrecipient agreement budget line items that were increased with the additional funds.
- Note:** *This information is required by HUD for financial accounting and reporting in the Consolidated Annual Performance and Evaluation Report (CAPER).*
- (h) When the Project Sponsor receives direct income from Clients receiving housing assistance, this income should be reflected in the Project Sponsor's financial statements and should be tracked separately from other sources.

27 Program Reporting

Project Sponsors are required to submit their completed Annual Progress Report to HCD Public Services Division on or before July 20th of each year.

28 Bi-Annual Monitoring Review

Projects Sponsors must comply with bi-annual monitoring reviews conducted by the HCD Public Services Division. These reviews consist of either a virtual desk review or in-person site visit to ensure projects are effective and complaint with HOPWA Program Guidelines.

Note: *The formal monitoring review may be scheduled at any time.*

29 Formal Monitoring Visit

- (a) Project Sponsors must comply with scheduled formal monitoring requirements conducted by HCD Subrecipient Monitoring Section (SMS) on an annual basis per length of subrecipient agreement. The SMS will review Client files, conduct interviews with Project Sponsor staff, and review any documentation that was not submitted to SMS before the scheduled formal monitoring review.
- (b) Project Sponsors are required to submit the following documents to the SMS as outlined in the announcement:
 - (i) Recent financial audit;
 - (ii) Budget;
 - (iii) Balance Sheet;
 - (iv) Job Description of the Project Sponsor's Key Employees;
 - (v) Organizational Chart;
 - (vi) Cash Flow;
 - (vii) Income Statement;
 - (viii) Accounting Manual; and
 - (ix) Any other document requested to successfully monitor for compliance.

Note: *The formal monitoring review may be scheduled at any time.*

30 Record Retention

Project Sponsors must comply with the record retention requirements as outlined in their subrecipient agreement, per [24 CFR § 574.530](#). Records must be kept for a 4 year period.

Grievance Policy and Process

- (a) Requirements for Project Sponsors must maintain their own grievance process for complaints and appeals policies and standard operating procedures, where applicable, to include but not limited to:
 - (i) Serving the Client with a written notice containing a clear statement of the reasons for the determination;

- (ii) Allowing the Client to examine the case file, and all accompanying documentation and evidence upon request;
 - (iii) Permitting the Client to have a review of the decision, with the opportunity to present written objections before a person, other than the person (or a subordinate of that person) who made or approved the decision being appealed; and
 - (iv) Providing prompt written notification of the final decision to the Client.
- (b) Project Sponsors' policies and standard operating procedures must comply with federal, state, and local requirements.
 - (c) Project Sponsor must maintain written complaint logs and files. Further requirements may be determined in the agreement between HCD and subrecipients.
 - (d) HCD reserves the right to request a copy of Project Sponsors' records, including but not limited to policies, standard operating procedures, and any documents applicable to a complaint or an appeal.
 - (e) Rights of Aggrieved Party
 - (i) A complainant or an appellant has the right to escalate their complaint or appeal to HCD after exhausting the Project Sponsors' complaint and appeal process. The complaint or appeal must be the same complaint or appeal filed with the subrecipient.
 - (1) Complaints can be filed:
 - a) Complaints can be filed verbally or in writing to elected officials or to a City of Houston employee.
 - i) Any member of the public as outlined in section Who Can File a Complaint, may file a complaint in writing via letter or email or verbally by phone or in-person as outlined below.
 - b) **Letters** containing a complaint may be submitted to via United States Postal Service or third-party vendor or hand-delivered to the Monday – Friday from 8 A.M. – 5 P.M. to: Housing and Community Development Department

Attn: Complaints and Appeals

2100 Travis Street, 9th floor Houston, Texas 77002

- c) **Email** containing complaints may be submitted to the Complaints and Appeals team at HCDComplaintsAppeal@houstontx.gov.
 - i) A written response will be issued within 15 business days, when possible, of receiving the complaint.
 - d) **Phone** complaints may be made by contacting the following number, 832-394-6200 option 1.
 - e) **In-person** complaints may be made at the HCD office, City Council Public Session, or any event or meeting where a City employee or elected official is present.
 - i) **HCD Office** – 2100 Travis Street, 9th floor, Houston, Texas 77002
 - ii) **City Council Public Sessions** are typically held every Wednesday. HCD City Council Liaison will refer to the Complaints and Appeals team member that responds to any public speakers who express complaints regarding HCD operations.
- (ii) Appeals must be submitted to HCD within 30-calendar days from the decision letter received from the subrecipient.
 - (iii) Appeals must be submitted to HCD according to the filing methods outlined in section Filing Methods and minimum requirements outlined in section Minimum Appeal Requirements.

Note: Appeals for termination of assistance due to threats, commission, or attempted commission of violent acts or any obscenities are not appealable.

- (1) Appeals must be made in writing via letter, email, or the online appeal request form.
 - a) **Letters** containing an appeal may be submitted via United States Postal Service or third-party vendor or hand-delivered Monday – Friday from 8 A.M. – 5 P.M. to:

Housing and Community Development Department

Attn: Complaints and Appeals

2100 Travis Street, 9th floor

Houston, Texas 77002

- b) **Email** containing an appeal may be submitted to the Complaints and Appeals team – HCDComplaintsAppeal@houstontx.gov.
- c) **Online Appeal Request Form**, any member of the public as outlined in Who Can File An Appeal, may file an appeal using the following link <https://houstontx.gov/housing/appeals.html>.
- (iv) Upon receipt of an appeal request, the Complaints and Appeals team will work with the subrecipient to provide a timely response.
- (v) The Appeals Review Committee will issue a final written decision approving or denying an appeal within 30 business days.
Note: *Approved or denied Tier 2 Appeals cannot be appealed.*
- (vi) HCD reserves the right to issue a written response to the complainant or appellant.
- (f) Grievance Process
 - (i) Informal Resolution
 - (1) Clients/Applicants must first discuss concerns directly with their case manager or assigned staff member.
 - (2) The Case Manager must document the concerns and resolution.
 - (3) If the concern is resolved informally, no further action is required.
 - (ii) Formal Grievance Submission
 - (1) If the grievance cannot be resolved informally, Clients/Applicants may file a written grievance within 30 calendar days of the incident to the Program Manager or designated staff member.
 - (2) Grievances may be submitted by:
 - a) Completing a grievance form (available at provider offices and online).
 - b) Emailing or mailing a written statement to the Program Manager.
 - c) Requesting reasonable accommodations (e.g., verbal submission, translation, or accessibility support).

- (3) The grievance must include the following:
- a) Aggrieved party's name and contact information;
 - b) Date(s) of incident;
 - c) Description of the concern or complaint; and
 - d) Desired resolution.

Note: An aggrieved party may submit supporting documents with their formal grievance submission.

(4) Project Sponsor Review

- a) The Program Manager (or designee) will acknowledge receipt of the grievance within 5 business days in writing to the aggrieved party.
- b) A review must be conducted, including but not limited interviews of parties involved and a review of relevant documentation.
- c) A written response must be provided to the Client/Applicant within 15 business days of review.
 - i) If additional time is needed, the Client/Applicant must be notified in writing with an updated timeline.
 - ii) The written response must include the reason why the appeal was granted or denied, their right to appeal, appeal submission methods, and deadline.

(iii) Appeal with the Project Sponsor

- (1) If the aggrieved party is unsatisfied with the Program Manager's (or designee) decision, they may appeal in writing within 10 business days of the date of the written response.
- (2) Appeals must be reviewed by the Project Sponsor's Executive Director (or designee). The review must include a review of all documents and information provided at the informal and formal grievance level.
- (3) A final written decision must be made within 15 business days. If additional time is needed, the Client/Applicant must be notified in writing with an updated timeline.
 - a) The written response must include the reason why the appeal was granted or denied, their right to appeal, appeal submission methods, and deadline.

- b) Contact information for HCD must be provided in the Project Sponsor's final decision letter along with instructions detailing how to escalate a grievance to HCD.
- (iv) Escalation to HCD
 - (1) If the Client/Applicant is not satisfied after completing the Project Sponsor's process, they may escalate the grievance to HCD's Complaints and Appeals Team.
 - (2) HCD will review the grievance in accordance with the HCD Complaints and Appeals Policy.
 - (3) A written response will be provided within 15 to 30 business days of receipt. If additional time is needed, the aggrieved party will be notified in writing.
- (v) Federal Oversight Option
 - (1) Clients/Applicants also have the right to contact HUD's Office of Fair Housing and Equal Opportunity (FHEO) or the applicable HUD regional office if they believe their rights under HOPWA or related laws have been violated.

Regulatory Considerations

1 Fraud, Waste, and Abuse

This Program is subject to, and will follow, HCD's [Policy# 01-26 Fraud Waste, and Abuse](#). Anyone with information regarding known or suspected misappropriation of HOPWA funds or resources is encouraged to report the information to the City by sending an electronic report via email to the following email address: housingfraud@houstontx.gov.

Note: Title 18, section 1001 of the U.S. Code states Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both.

- (a) Per HCD Fraud, Waste, and Abuse Policy (01-26), subrecipients, in this case Project Sponsors, are required to attend Fraud, Waste, and Abuse training. Project Sponsors, including their staff, must

complete the training within 30 days of executing the Subrecipient Agreement, upon hiring, and annually thereafter in accordance with the latest Public Services Division Fraud, Waste, and Abuse (08-01).

- (b) Project Sponsors can locate Fraud, Waste, and Abuse training by visiting the [HUD Exchange Training website](#) for the latest training.
- (c) Project Sponsors must maintain and submit supporting documentation demonstrating completion of Fraud, Waste, and Abuse training, e.g., but not limited to:
 - (i) Certificate of Completion
 - (ii) Timesheets
 - (iii) Sign-in Sheets
 - (iv) Training Agendas
- (d) Safeguard protected personally identifiable information (PII)

2 Housing Discrimination

No person shall be excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, Disability, or marital status.

The following individuals are not considered having disabilities:

- (a) Individuals with a temporary disability;
- (b) Individuals with substance use disorder (unless the individual is determined to be disabled independent of the substance use); and
- (c) Individuals who pose a direct threat.

Housing discrimination is prohibited from initial inquiry, through application, residency to termination and move-out.

Applicants/Participants who feel they have been discriminated against can contact:

U.S. Department of Housing & Urban Development

Housing

Discrimination inquiries and/or complaints

800-669-9777 (Voice)

1-800-927-9275 (TTY)

<https://www.hud.gov/contactus/file-complaint>

Texas Workforce Commission
Civil Rights Division
1-888-452-4778 (Voice)
1-800-735-2989 (TTY)

3 The Federal Privacy Act of 1974, as Amended³

The amended Federal Privacy Act of 1974 provides for confidentiality and the restriction of disclosing confidential and personal information. Unauthorized disclosure of such personal information may result in personal liability with civil and criminal penalties. The data collected from Applicants for HCD programs and services may contain personal information on individuals that is covered by the Federal Privacy Act of 1974, as well as applicable state laws. The information collected may only be used for limited official purposes:

- (a) Program staff may use personal information throughout the award process to ensure compliance with Program requirements, reduce errors, and mitigate fraud and abuse.
- (b) Independent auditors, when hired by the City to perform a financial or programmatic audit of the Program, may use personal information in determining Program compliance with all applicable HUD and federal regulations, including the Stafford Act, HUD program requirements, and State and local law.
- (c) HCD may disclose personal information on an Applicant to those with official Power of Attorney for the Applicant or for whom the Applicant has provided written consent to do so. See section on Communication Designees.
- (d) Organizations assisting HCD in executing the Programs must comply with all federal and state law enforcement and auditing requests, including, but not limited to, requests from HUD, FEMA, FBI, GLO, Office of the State and City Comptroller, and the Office of Inspector Generals.

Per HCD [Personally Identifiable Policy #01-41](#), HCD is committed to protecting the privacy of all individual stakeholders, including the public and those individuals working on the Program. The HCD policies describe how information is to be handled and protected. The purpose of this privacy policy is to establish when and under what conditions certain information relating to individuals may be disclosed.

³ The Federal Privacy Act of 1974, as Amended ([5 USC § 552a](#), [2 CFR § 200.303\(e\)](#))

4 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and protects equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the use of telecommunications devices for the deaf (TDD) relay services. HCD takes affirmative steps to ensure that people with disabilities have equal access to the programs offered by HCD. All services offered by HCD are delivered in the most integrated manner possible with services for persons without disabilities.

HCD takes the requirements of ADA seriously and requires that subrecipients (in this case Project Sponsors), vendors, Contractors, and developers adhere to the requirements of ADA to the fullest legal extent.

Applicants who believe they may have been discriminated against can file a complaint with the U.S. Department of Housing and Urban Development at the following link:

<https://portalapps.hud.gov/FHEO903/Form903/Form903Start.action?lang=en>

Complainants can also file a complaint with HCD. Please see [Grievance Policy and Process](#) for information on how to file a complaint or appeal with HCD.

5 Audit Requirements

This Program is subject to audit at the federal and local level. The U.S. Department of Housing and Urban Development (HUD), HUD's Office of Inspector General, the U.S. Government Accountability Office (GAO), and the City of Houston's Finance Department (typically via a contracted third party) all have the authority to audit this Program. All auditors are independent of HCD and report either to their respective authorities at the federal level or to the Mayor of Houston.

In accordance with [Subpart F of 2 CFR § 200](#), non-federal entities that expend \$1,000,000 or more during their fiscal year in federal awards must have a single or program-specific audit conducted for that year. HCD is responsible for conducting reviews of these single or program-specific audit reports and for coordinating the issuance of management decisions for audit findings relating to HCD-provided federal HOPWA funds.

6 Affirmative Marketing and Outreach

The City, through HCD, is committed to establishing affirmative marketing policies. Affirmative marketing efforts will include the development of an

Affirmative Marketing & Outreach Plan based on U.S. Department of Housing and Urban Development (HUD) regulations.

HCD will perform outreach activities in targeted areas to advertise the Program and encourage potential Applicants to apply for assistance. Methods of outreach may include, but are not limited to, advertising on social media or other media outlets, newsletters, brochures, HCD website, and/or community events, email or other electronic blasts, press releases/statements, public meetings/hearings, and partner events. HCD will ensure that outreach and communication activities reach eligible homeowners from all racial, ethnic, national origin, religious, familial status, disabled, and gender groups. Documentation of all marketing measures used, including copies of all advertisements and announcements, will be retained and made available to the public upon request

7 Limited English Proficiency and Title VI of the Civil Rights Act of 1964

Federal law prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent directives, circulars, policies, memoranda, and/or guidance documents. The Supreme Court has held “national origin” to include individuals who, because of national origin, have Limited English Proficiency (“LEP”) (Lau v. Nichols, 414 U.S. 563 (1974)). Denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, the City shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the City’s programs, services, and activities.

Suspension and Debarment

HCD shall comply with Suspension and Debarment Executive Order [12549](#) and [12689](#) that prohibits an entity that has been debarred, suspended, or otherwise excluded or deemed ineligible from participating in federal programs or activities. Any entity seeking federal funds received by HCD will undergo a debarment verification. Entities that are determined to be debarred, suspended, or otherwise excluded will not be

eligible to receive federal funds from HCD in accordance with the Executive Orders, [2 CFR § 180](#), [2 CFR § 2424](#), and the HCD [Debarment Verification Policy and Procedure #01-14](#).

8 Environmental Review

Environmental Review provisions require all federally funded activities, funded in whole or in part, to undergo an environmental review to determine its potential environmental impact and health impact to the end , and if it meets the applicable federal, state, and local environmental standards as required by HUD. In compliance with [24 CFR Part 58](#), HCD will conduct an environmental review prior to awarding any federal funds for all activities as outlined in the latest HCD procedure [#21-16 Environmental Review SOP](#). If the City is the responsible entity, it assumes full responsibility for environmental review, decision-making, and actions under 24 C.F.R. §§ 58.4 and 574.510

9 Asbestos

All Rehabilitation and Reconstruction must consider potential asbestos in Property and mitigate and/or remove where needed per applicable federal, state, and local requirements.

10 Conflicts of Interest

Per 24 CFR § 574.625, no person who is an employee, agent, consultant, officer or elected or appointed official of HCD or 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 their or for those with whom they have family or business ties, during their tenure or for one year thereafter.

Project Sponsor must have a policy that identifies real or potential conflict of interest on board members, staff, and volunteers. HCD requires that the policy is signed by board members, staff, and volunteers annually.

Applicants must complete and sign a Conflict-of-Interest Disclosure before HOPWA assistance is expended. This disclosure requires Applicants to disclose, under penalty of perjury, their immediate family members or business partner(s) currently employed by the City of Houston or were employed by the City within the past year.

Note: “Immediate family members” means and includes (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), sibling (including a stepsibling), aunt/uncle,

niece/nephew, grandparent, grandchild, great grandparent, great-grandchild, and in-laws with the same titles.

The Conflict-of-Interest provisions at [2 CFR § 200.318\(c\)](#) require HCD staff to disclose any relationship with an Applicant, vendor, or Contractor. HCD staff, sub-grantees, program administrators, vendors and Contractors who disclose such relationships are placed in roles where there is no opportunity for them to display favoritism or collude to financially or otherwise benefit themselves, the Applicant, vendor or the Contractor.

HCD will follow the federal Conflict of Interest provisions in addition to the guidance provided in the City of Houston's [Administrative Policy 2-22: Conflict of Interest](#) that establishes the policy for how conflict of interest will be handled and the HCD [#01-40 Non-Procurement Conflict of Interest Policy](#) that outlines the process for waivers.

The Program requires compliance with all applicable conflict of interest provisions, including but not limited to federal, state, and local statutes, laws, regulations, ordinances, and other requirements including but not limited to the Texas Local Government Code Chapters 171¹⁴, 176¹⁵ and 553¹⁶; Chapter 36, Sections 36.02¹⁷ and 36.08¹⁸ and Chapter 39, Section 39.02¹⁹ of the Penal Code; Article VII, Section 4 of the City Charter²⁰; Chapter 14, Article II, Section 14-183²¹, Chapter 15, Article III, Sections 15-1²² (as amended by City Ordinance No. 2021-44²³), 15-55²⁴, & 15-56²⁵ and Chapter 18, Article I, Section 18-3²⁶ of the City of Houston's Code of Ordinances, and Executive Order 1-28

11 Davis-Bacon Labor Standards

The Davis-Bacon Labor Standards do not apply to this Program, unless funds are combined in whole or in part with other Federal funds. Under [Section 110\(a\) of the Housing and Community Development Act of 1974 \(HCDA\)](#), laborers and mechanics employed on construction work "financed in whole or in part" with HOPWA assistance must be paid not less than wages determined to be prevailing on similar construction work in the locality by the Secretary of Labor in accordance with the Davis Bacon Act⁴.

12 Fair Labor Standards Act

The amended Fair Labor Standards Act of 1938 (FLSA) establishes the basic minimum wage and requires the payment of overtime, for certain employees. Overtime payments must be at the rate of at least one and one-half times the basic hourly rate of pay for hours worked in excess of

⁴ 40 U.S.C. § 3141 et seq.

forty per work week. These standards are applicable to all activities funded by this Program.

14 Equal Employment Opportunity

[Executive Order 11246](#), Equal Employment Opportunity, as amended, prohibits federal Contractors and federally assisted construction Contractors and subcontractors who do over \$10,000 in government business in one year from discriminating in employment decisions based on race, color, religion, sex, sexual orientation, gender identity, or national origin. The Executive Order also requires government Contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment. This regulation is adhered to within HCD programs.

15 Policy Compliance

All activities under this manual are subject to the policy restrictions in Addendum 1 of the Federal Award Agreement. Failure to comply may result in suspension or termination of funding.

Anyone who feels that their Equal Employment Opportunity rights have been violated can contact any or all of the following enforcement authorities:

City of Houston Office of Inspector General

900 Bagby St., 4th Floor

Houston, TX 77002

OIG Hotline: (832) 394-5100

[OIG Complaint Form](#)

U.S. Equal Employment Opportunity Commission

Mickey Leland Building

1919 Smith St., 6th Floor Houston, TX 77002

Phone: 1 (800) 669-4000

TTY: 1 (800) 669-6820

ASL Video Phone: (844) 234-5122

[EEOC Public Portal](#)

16 Financial Management

As recipients of HOPWA funds, the City of Houston and subrecipient are required to follow the financial administration requirements outlined in 2 CFR § 200. These standards help ensure that the financial systems are put in place by the City:

- (a) Provide adequate, current, and complete disclosure of the financial results (regular financial reporting) of all financially assisted activities, in accordance with the financial reporting requirements of the grant;
- (b) Document that HOPWA funds have been used only for authorized purposes. For HOPWA this includes not only eligible activities but that the funded Projects meet a National Objective;
- (c) Maintain accounting records that show the sources and uses of HOPWA funds, displaying HOPWA funds authorized, obligated and unobligated balances, assets, liabilities, outlays or expenditures and income;
- (d) Establish effective internal controls over all cash, real and personal property, and other assets acquired with program HOPWA funds;
- (e) Track actual program cost against program budget in a manner that relates to program productivity and accomplishments;
- (f) Use Uniform Administrative Requirements outlined in 2 CFR § 200 principles to determine whether program costs are reasonable, allowable, and can be allocated, either directly or indirectly;
- (g) Maintain source documentation for accounting records;
- (h) Implement procedures for cash management that permit the timely disbursement to Applicants and subrecipients and complete and accurate monitoring and reporting; and comply with [2 CFR § 200 subpart F](#).
- (i) Funds must be drawn down at least once every 90 days and reconciled with HUD's Integrated Disbursement and Information System (IDIS) in accordance with 2 C.F.R. §§ 200.302–303.

(a) Finance Department

The Strategic Procurement Division (SPD) is housed within the City of Houston's Finance Department and is responsible for procuring goods and services for HOPWA funded activities.

The City Controller

The Office of the City Controller certifies the availability of HOPWA funds prior to City Council approval of City commitments, processes and

monitors disbursements, invests the City's HOPWA funds, conducts internal audits of the City's departments and federal grant programs, operates and maintains its financial management system, conducts the sale of public improvement and revenue bonds and produces a comprehensive annual report of City finances – Comprehensive Annual Financial Report (CAFR). The Controller will be responsible for providing a variety of approvals for release of HOPWA funds as payment to Contractors and beneficiaries. HCD is the grant manager for Houston's HOPWA allocation and is responsible for administering all programs outlined in the City's Local Action Plan.

(b) Public Services Division

The HCD Public Service Division is responsible for designing and implementing the HOPWA Program for the City of Houston.

(c) Finance Division

The HCD Finance division is responsible for processing HOPWA grant funding through the Systems Applications and Products (SAP), performing draws in HUD's Integrated Disbursement Information System (IDIS) and reconciling budgets and expenditures. This division is also responsible for processing payment requests in SAP and federal reimbursement requests to HUD to be realized in the City's budget.

(d) Planning and Grants Reporting Division

The HCD Planning and Grants Reporting division is responsible for the City's Local Action Plan, Local Needs Assessment, program applications, other related planning documents, substantial amendments, Project/activity budget set-up and completion in IDIS and related reporting to HUD.

(e) Program Income

This Program is not designed to generate program income, however, if any HOPWA activities generate income before or after close-out of the grant, HCD will retain program income to fund additional HOPWA activities or to fund the repair, operation, or maintenance of existing HOPWA activities. Specifically, the City will adhere to the program income policies and procedures as stated in the City’s financial certifications.

17 Minority- and/or Woman-Owned Business Enterprises

Contractors shall comply with the City’s Minority and Women Business Enterprise (“MWBE”) programs as set out in Chapter 15, Article V of the City of Houston Code of Ordinances and the applicable Office of Business Opportunity’s (“OBO”) Policies and Procedures.⁸ Contractors acknowledge that it has reviewed the requirements for good faith efforts on file with OBO and will comply with them. Good Faith Efforts should be documented per the City of Houston, Office of Business Opportunity Good Faith Effort policy. For more information regarding Good Faith Efforts, visit: <http://www.houstontx.gov/obo/docsandforms/goodfaithefforts>

Minority and Women Business Enterprise goal requirements do not apply to this Public Services agreements due to it doesn't lend itself for Divisible subcontracting opportunities and is exempted from a goal being applied.

For questions, please call HCD office at (832) 394-6200 or email HCD at hcd-mwsbe@houstontx.gov.

18 Section 3

Projects for housing rehabilitation, housing construction, or other public construction projects assisted in whole or in part with HOPWA funds exceeding \$200,000 are considered Section 3 projects. Work performed under this program is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 USC § 1701) (“Section 3”). The City complies with Section 3 requirements to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted developments covered by Section 3 shall, to the “greatest extent feasible”, be directed to low- and very low-income persons, including persons who are recipients of HUD assistance for housing, with a preference for both targeted workers living in the service area or neighborhood of the Development and Youth Build Participants, as defined at [24 CFR Part 75](#) (“Section 3 Regulations”). Section 3 program requirements do not apply to Service only agreements.

19 Pay or Play

Contractors shall comply with the City's Pay or Play Program (POP), as set out in [Executive Order No. 1-7](#). The Contractors should demonstrate that

they have the willingness and ability to comply with the City's Contractors' Pay or Play Program. The POP Program is applicable to:

- (a) Contracts for services in which the total expenditure by the City, including contingencies, amendments, supplemental terms and/or change orders, equals or exceeds \$100,000.
- (b) Subcontracts for services in which the total value of the subcontract, including contingencies, amendments, supplemental terms and/or change orders, equals or exceeds \$200,000. The contractor is responsible to the City for compliance of covered employees of covered subcontractors.

14 Residential Anti-Displacement

The City of Houston does not plan to administer activities that will cause a direct or indirect displacement of persons or entities.

15 Uniform Relocation Act (URA)

The acquisition, rehabilitation, or demolition of real property using federal HOPWA funds, as administered by HCD, is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) and/or Section 104(d) of the Housing and Community Development Act of 1974. The applicable federal regulations are located at [49 C.F.R. § 24](#) (URA), [24 C.F.R. § 42](#), [Section 104\(d\)](#) of the Housing and Community Development Act ([42 U.S.C. § 5304\(d\)](#) ("Section 104(d)"), and in the Tenant Assistance, Relocation and Real Property Acquisition Handbook (HUD Handbook 1378). Uniform Relocation Act requirements do not apply to service only agreements.

16 Insurance and Property Management

Per [2 CFR § 200.310](#), all property owners must procure and maintain insurance for the duration of the agreement to protect all contract assets from loss due to any cause, such as theft, fraud, and physical damage. If HOPWA funds are used to acquire real property or personal property, the Property owner is responsible for ensuring per [2 CFR § 200.311](#) that:

- (a) The Property continues to be used for its intended (and approved) purpose;
- (b) The Project Sponsor keeps track of, and takes care of, the Property; and

If the Project Sponsor sells or disposes of the Property during the contract period, the Subrecipient reimburses HCD for the share of the Property's value according to the agreement.

17 Record Keeping and Retention Requirements

The City and Project Sponsors must follow the records retention requirements cited in [2 CFR Part 200](#) which includes financial records, supporting documents, statistical records and all other pertinent records.

HCD establishes recordkeeping and retention requirements in its subrecipient and Contractor agreements in accordance with the guidelines stated in [24 CFR § 574.500\(b\)](#) and with [24 CFR § 574.530](#).

Record retention per [2 CFR § 200.334](#) is a requirement of the Program. Records are maintained to document compliance with program requirements and federal, state, and local regulations and to facilitate a review or audit by HUD. The HCD Records Management Program seeks to ensure that:

- (a) HCD complies with all requirements concerning records and records management practices under federal and state regulations;
- (b) HCD has the records it needs to support and enhance ongoing business and citizen service, meet accountability requirements, and community expectations; and
- (c) These records are managed efficiently and can be easily accessed and used for as long as they are required.
- (d) Records shall be retained for at least four (4) years after final expenditure of HOPWA funds, or longer if any of the following apply: (i) litigation, audit, or claim involving the records is ongoing; (ii) HUD, HCD, or another federal/state authority directs retention beyond 4 years; or (iii) the subrecipient agreement specifies a longer retention period. Records must not be destroyed until written clearance is received from HCD in accordance with [24 CFR 574.530](#).
- (e) These records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner based on HUD Handbook 2225.6, Records Disposition Schedules, and HUD Handbook 2228.2.

(a) Access to Records (State of Texas– City)

Per [24 CFR § 574.530](#) Recordkeeping requirements and [2 CFR Part 200, Subpart D](#), Record retention and access to records.

- (i) Representatives of HUD, the Inspector General, and the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, or property

pertaining to the administration, receipt and use of HOPWA funds and necessary to facilitate such reviews and audits.

- (ii) The State shall provide citizens with reasonable access to records regarding the past use of HOPWA funds and ensure that units of general local government provide citizens with reasonable access to records regarding the past use of HOPWA funds consistent with State or local requirements concerning the privacy of personal records.

The availability of records is subject to the exceptions to public disclosure outlined in Chapter 552 of the Texas Public Information Act, of the Texas Government Code (“TPIA”). Requests under the TPIA must be made in writing to the Public Information Officer and will be processed per the procedures outlined in the TPIA and applicable City policies, such as Administrative Procedure 2-9, Guidelines for Responding to Requests for Public Information.

18 Reporting

The Reporting provisions at [2 CFR § 200.329\(b\)](#) require non-federal entities to relate the program performance of the federal funds. As a recipient HOPWA, HCD has established its own reporting requirements per these provisions for Subrecipients (in this case Project Sponsors), as applicable:

- (a) At execution of agreements;
- (b) Monthly;
- (c) Quarterly;
- (d) Annually; and
- (e) As required.

19 File Management

The HCD Records Management section assists with ensuring that:

- (a) HCD complies with all requirements concerning records and records management practices under federal and state regulations;
- (b) HCD has the records it needs to support and enhance ongoing business and citizen service, meet accountability requirements, and community expectations; and
- (c) Stored for as long as they are required.

Terms Definitions

Acquired Immunodeficiency Syndrome (AIDS) or Related Diseases –

The disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV), per [24 CFR § 574.3](#).

Administrative Costs – Costs for general management, oversight, coordination, evaluation, and reporting. Such costs do not include costs directly related to carrying out eligible activities, since those costs are eligible as part of the activity delivery costs of such activities, per [24 CFR §574.3](#).

Note: Each Project Sponsor receiving amounts from HOPWA grants may use not more than 7% of the amounts received for Administrative Costs, per [24 CFR §574.300\(b\)\(10\)\(ii\)](#). ¹ Please see the example table below.

Affiliated Individual – A spouse, parent, brother, sister, or child of that individual, or person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or any individual, tenant, or lawful occupant living in the household of that individual.

Build America, Buy America Act (BABA) – As outlined in Section 70914(a) of BABA, the Buy American Preference (BAP) requires that all iron, steel, manufactured products, and construction materials used in public infrastructure projects funded with Federal financial assistance be produced in the United States. BABA's requirements apply to:

- (a) Broadband infrastructure;
- (b) Affordable housing construction and rehabilitation of buildings with five or more units;
- (c) Community facility construction and rehabilitation; and
- (d) Homeless shelter construction and rehabilitation.

BABA does not apply to planning, capacity building, program administration, public services, training, counseling, short-term rental assistance, land acquisition, affordable housing development projects with 1 to 4 units, and demolition projects where no articles, materials, or supplies that are consumed in, incorporated into, or affixed to the infrastructure.

Broadband Infrastructure – Cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that is capable of providing access to Internet connections in individual housing units, and that meets the definition of “advanced telecommunications capability” determined by the Federal Communications Commission under section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

CAPER – The HOPWA CAPER provides HUD with annual information to support program evaluation and measure program outcomes related to maintaining Housing Stability, preventing homelessness, and improving access to care and support.

Certification form – A form to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking that states:

- a) the applicant or tenant is a victim of the acts;
- b) the acts meet the applicable definition of such incident under 24 CFR 5.2003; and
- c) Includes the name of the individual who committed the aforementioned actions, if name is known and safe to provide.

Client – A term used to refer to an Eligible Person who: 1) meets the eligibility requirements of the HOPWA program (e.g., with acquired immunodeficiency syndrome or related diseases who is a low-income individual) and 2) enrolls in the HOPWA program as a participant.

Client Participation Agreement – An agreement that outlines the Client’s expectations for receiving services.

Community Residences – A multiunit residence designed for Eligible Persons to provide a lower cost residential alternative to institutional care; to prevent or delay the need for such care; to provide a permanent or transitional residential setting with appropriate services to enhance the quality of life for those who are unable to live independently; and to enable such persons to participate as fully as possible in community life.

Direct Activity Costs – Costs that are specifically identified and easily attributed to a HOPWA assisted activity, e.g., rental housing assistance, housing counseling, and security deposits, that are incurred during the period of performance. HCD may authorize no-cost extensions as outlined in the subrecipient agreement.

Eligible Cost – A cost that is incurred specifically for this program; is reasonable; and is necessary to the overall operation of the project. A cost

is reasonable if it does not exceed that which would be incurred by a prudent person under the same circumstances.

Eligible Person – Per 24 CFR § 574.3, a person with acquired immunodeficiency syndrome or related diseases who is a low-income individual and the person’s family.

Emergency – A situation that is short-term in nature related to loss of income or declining overall health, (e.g. prolonged hospitalization, adjustment to new HIV treatment), higher than expected eligible expense (e.g. hospital bill not covered by third party) , and one that, but for the assistance, the client will lose their dwellings or will be forced to move to a place not meant for habilitation.

Fair Market Rent (FMR) – Payment standard amounts for the HOPWA rental housing assistance program, updated annually by HUD.

Family – Defined in 24 CFR § 5.403 and 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’s care or well-being. The surviving member or members of any family described in this definition are those who were living in a unit assisted under the HOPWA program with the person living with HIV at the time of the person’s death per 24 CFR 5.403.

Fraud, Waste, and Abuse (FWA) – Fraud is the intentional, false representation or concealment of a material fact for the purpose of obtaining benefits. Due to finite resources, fraud deprives Clients of legitimate needs from the governmental benefits designed to support them. All Project Sponsors must maintain a Fraud, Waste, and Abuse policy detailing its procedures for preventing, detecting, and reporting FWA.

Homeless – Per 24 CFR § 576.2, there are four defined categories of homelessness:

Literally Homeless – An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- Has a primary nighttime residence that is a public or private place not meant for human habitation;
- Is living in a publicly or privately operated shelter designed to provide temporary living arrangements; or
- Is exiting an institution where they have resided for 90 days or less and who resided in an emergency

shelter or place not meant for human habitation immediately before entering that institution.

Imminent Risk of Homelessness – An individual or family who will imminently lose their primary nighttime residence, provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks needed to obtain other permanent housing.

Homeless under other Federal statutes – An unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- Are defined as homeless under other listed federal statutes;
- Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days before the homeless assistance application;
- Have experienced persistent instability as measured by two moves or more during the preceding 60 days; and
- Can be expected to continue in such a status for an extended period of time due to special needs or barriers

Fleeing/Attempting to Flee Domestic Violence – Any individual or family who:

- Is fleeing or attempting to flee domestic violence;
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing.

Please see: [The McKinney-Vento Homeless Assistance Act, as Amended by S. 896 Homeless Emergency Assistance and Rapid Transition to Housing \(HEARTH\) Act of 2009.](#)

Housing Case Management – The assessment of barriers to successful housing stability, providing interventions, and creating a housing stability plan that will assist the Client in reaching this goal.

Housing Stability Plans – A living document that is created, updated, amended or replaced assess the current resources and long term goals of the Client.

Human Immunodeficiency Virus (HIV) – HIV is a virus that attacks the body’s immune system, making the person vulnerable to develop a more advanced long-term illness such as AIDS.

Nonprofit Organization – Any nonprofit organization (including a State or locally chartered nonprofit organization) that:

- Is organized under State or local laws.
- Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual.
- Has a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system.
- Complies with standards of financial accountability acceptable to the Secretary of HUD.
- Has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome HIV or related diseases, per [24 CFR § 574.3](#).

Lead-based Paint - If the structure was built prior to 1978, and there is a child under the age of six or a pregnant woman who will reside on the property, and the building has a defective paint surface inside or outside the structure, the unit cannot be approved until the defective surface is repaired in accordance with [24 CFR Part 35 Subpart M](#). Defective paint surface means: the paint is cracking, scaling, chipping, peeling or loose. If after testing lead is found present, the surface must be abated and repaired in accordance with the above regulation. During the housing inspection the case managers must furnish the client with a copy of the pamphlet “[Protect Your Family from Lead in Your Home](#).” The link also provides copies in Spanish, Arabic, French, Chinese Simplified and Traditional, Russian, Somali, Tagalog and Vietnamese. The Client should sign an acknowledgment form confirming receipt of the pamphlet.

Live-in Aide – A person who resides with a person who has a disability or person who meets all three of the criteria:

- Is determined to be essential to the care and well-being of the person(s);
- Is not obligated to support the person(s); and
- Would not be living in the unit except to provide necessary support services. They are entitled to a separate bedroom in a HOPWA housing subsidy situation.

Low-income Individual – Any individual or family whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary of Housing and Urban Development, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings lower or higher than 80% of the median income for the area if the Secretary finds that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes, per [42 U.S.C. 12902](#).

Notice of Occupancy Rights – A document, as prescribed and in accordance with directions from HUD, that explains the VAWA protections, including the right to confidentiality, and any limitations on those protections.

Agreements to Participate – Documents such as Client Rights, VAWA Acknowledgement, Program Handbook, Housing Stability Plan, Short-term budget sheet, Award Letter, Client Participation Agreement, and Client Shared Agreement for TBRA calculations.

Pre-Award Costs – Costs incurred on or after the Consolidated Plan submission date, program year start date, or within 90 days before the period of performance start date, whichever is the latest or if consistent with [HUD Notice CPD 25-02](#).

Project Sponsors – Nonprofit organizations (including, pursuant to [24 CFR § 574.300\(c\)](#), faith-based entities or organizations) or governmental agencies, targeting services to individuals living within The City of Houston (COH) that receive funds under a contract with HUD to carry out eligible activities under [24 CFR Part 574](#). The selection of Project Sponsors is not subject to the procurement requirements of [2 CFR Part 200 Subpart D](#).

Reasonable Accommodation – An exception to a standard policy, practices, or services when it may be necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.

Reasonable Cost – Per [2 CFR § 200.404](#), a cost that does not exceed what a prudent person would incur under similar circumstances meaning its fair, ordinary, necessary and in line with market prices for comparable goods and services.

Reasonable Modification – A physical, structural change to a property, such as installing a ramp.

Rehabilitation – 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%.

Sponsor-based rental housing – Housing owned or leased by a sponsor organization and arranged through a contract between the recipient/subrecipient and the sponsor organization.

Transitional housing – Temporary housing with supportive services with the goal of interim stability and support to successfully move to and maintain permanent housing.

Change Log

1.0 – Adopted 03/22/2016

- Original Version

2.0 – Adopted 03/22/2018

- Complete Overhaul

3.0 Adopted 01/27/2026

- Updated Formatting
- Updated Order of Content
- Replaced grievance process with the latest expectations from the City of Houston’s Complaints and Appeals Process.
- Supplanted Appendix I: HOPWA CAPER with a link to the latest resources in the new CAPER.

Appendices

Appendix A: Local Housing Authorities

Appendix B: Client File Setup

Appendix C: Housing Case Management Objectives

Appendix D: Issues and Barriers to Housing Stability

Appendix E: HOPWA Program Resources

Appendix A: Local Housing Authorities

Eligible Persons should be encouraged to sign up for the Housing Choice Voucher program or other public housing assistance through their local housing authorities, when available.

Note: This is not an exhaustive list of local housing authorities.

Houston Housing Authority

Phone: (713) 260-0500

Fax: (713) 260-0812

Email: president@housingforhouston.com

Harris County Housing Authority

Phone: 713-578-2100

Fax: 713-669-4594

Email:

Housing Authority for Montgomery

Phone: (936) 539-4984 x222

Fax: (936) 539-4758

Email: ra@montgomerycountyha.org

Housing Authority for the City of Baytown

Phone: (281) 427-6686 x11

Fax: (281) 422-4307

Email: joyce@baytownhousing.org

Housing Authority for the City of Galveston

Phone: (409) 765-1904

Fax: (409) 765-1908

Email: ded@ghatx.org

Housing Authority for the City of Texas City

Phone: (409) 945-4011

Fax: (409) 943-4525

Email: bdavis@tchousing.net

Appendix B: Client File Setup

Project Sponsors must ensure that Clients are assigned a unique identifying number for confidentiality purposes located on or within a file. It is recommended that Project Sponsors arrange the file accordingly:

- (a) Release of Information (ROI)
- (b) Agreements to Participate
- (c) HIV Verification
- (d) CAPER Data – Refer to [HOPWA Consolidated APR/CAPER User Manual](#) for a detailed description of the following categories:
 - (i) Demographics for client and beneficiaries (racial category, gender, age)
 - (ii) HIV status for client and beneficiaries
 - (iii) Household Income Level
 - (iv) Sources of Income
 - (v) Medical Insurance
 - (vi) Prior Living Situations, including Veteran Status (Only: TBRA, PHP, Transitional/Permanent Facility-Based Housing)
 - (vii) Health Outcomes
 - (viii) Housing Outcomes
 - (ix) Access to Care
- (e) Recertification: At minimum clients' income source documentation should be recertified annually.
- (f) Safety: Smoke detector certification, lead based paint acknowledgment, housing inspection form, tenant inspection checklist (if applicable), CO alarms/detector
- (g) Grievance/Termination: Project Sponsor's policies must be signed and dated by the Client.
- (h) Miscellaneous: Any case notes or other pertinent client information

Note: *The tabs in client files are by no means limited to the ones listed above. Each Client and their file are unique, and every effort should be made to keep everything logically organized and separated.*

For a more exhaustive list of HUD approved, HOPWA forms that should be found in Clients' files see, the following link:

(https://www.hud.gov/program_offices/administration/hudclips/forms/hud4)

Appendix C: Housing Case Management Objectives

In general, Housing Case Managers/Coordinators' primary duties include:

- (a) Assessing initial eligibility
- (b) Providing housing information and referrals to community-based housing resources
- (c) Coordinating housing planning activities with clients
- (d) Enrolling clients into the program and conducting periodic certifications
- (e) Providing assistance to clients in understanding and completing leases and housing application
- (f) Serving as a liaison between the client and landlord in lease negotiations and in cases where there are disputes.
- (g) Serving as a partner with the client and HIV case manager to ensure access to care and treatment services.

The primary goal of housing case management is housing stability in a decent and affordable housing unit that meets the Client's needs. Generally, key housing case management objectives include, but not limited to:

2 Comprehensive assessment of the client's needs, barriers, and personal support systems such as:

- (a) Public benefits and other sources of income
- (b) Potential barriers to securing housing
- (c) Housing needs and preferences
- (d) Family, friends or service systems support

3 Development of a housing plan that specifically addresses affordable stable housing as HUD's primary goal

- (a) Referral to emergency shelter or transitional housing if homeless
- (b) Application for permanent rental assistance programs such as Housing Choice Vouchers or HOME-TBA
- (c) Referral to and participation in "Ready to Rent" or "Second-chance Renters' Rehab" classes
- (d) Search for and obtainment of employment

- (e) Referral/enrollment in education or vocational training programs
 - (f) Referral to and participation in first-time home buyer's programs
 - (g) Budgeting and/or referral to financial advising
 - (h) Search for and obtain more suitable, stable rental housing
- 4 Coincidental development of a care plan identifying needed supports and medical care**
- (a) Application for and obtainment of SSI/SSDI, unemployment, or other public assistance
 - (b) Referral to Supplemental Nutrition Assistance Program (SNAP), Meals on Wheels or food pantry programs
 - (c) Referral to mental health or chemical dependency services
 - (d) Referral to appropriate HIV care and medical services
- 5** Coordination of the services listed above that are required to implement the comprehensive care and housing plans
- 6** Documentation of referrals made to clients, and services accessed by clients
- 7** Regular monitoring to assess the progress and efficacy of the plans
- 8** Periodic re-evaluation and revisions/updates of the plans, as necessary
- 9** Client-specific advocacy

Appendix D: Issues and Barriers to Housing Stability

Housing Case Managers/Coordinators should work in collaboration with all other service providers (as deemed necessary) involved with the Client identify potential issues and barriers relating to individual Client's housing stability throughout the program participation. Case managers/Coordinators may include information about client-related factor that may become a barrier to the Client's housing stability through the housing stability plan.

Some examples of issues or barriers include, but are not limited to:

- (a) Failure to make timely housing-related payments
- (b) Poor money management skills
- (c) Deteriorating health such as HIV-related fatigue and dementia
- (d) Untreated or under-treated mental health challenges
- (e) Lack of life skills for independent living
- (f) Disruptive behavior resulting in loss or damage to property and disturbance of neighbors
- (g) Family violent histories
- (h) Criminal histories
- (i) Lack of credit

Appendix E: HOPWA Program Resources

1 Annual Formula Operating Instructions:

These annual instructions provide program specific guidance that must be used in conjunction with the standard procedures for HUD's grants management process, such as Consolidated Plan. In addition to previous guidance, HUD may include new information that must be considered an additional requirement for program compliance by project sponsors. Each year they may be found on the HUD HOPWA Home Page at: <https://www.hudexchange.info/programs/hopwa/>

2 HUD Notice CPD 03–05 for Manufactured Homes:

This notice provides guidance for the use of Housing Opportunities for Persons with AIDS (HOPWA) funds for tenant-based rental assistance (TBRA), short-term rent, mortgage, and/or utility assistance (STRMU) payments, or for move-in costs under permanent housing placement (PHP) activities for Eligible Persons living in manufactured housing/mobile homes. Because HOPWA allows flexibility in its application, HUD has determined that HOME Investment Partnerships Program (HOME) guidelines may be referenced to support the use of HOPWA funds for this purpose: [HUD Notice: CPD 03–05](#)

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

This guidance published in November 2015 establishes standards for operating a Short-term Rent, Mortgage and Utility assistance (STRMU) program, including requirements for needs-based assessments, methods of calculating weeks of assistance, criteria to follow when establishing capped amounts, and the grantee's responsibility to ensure that project sponsors apply STRMU standards in a uniform, consistent, and non-discriminatory manner. Download the full guide: [HOPWA STRMU Assistance](#)

4 Consolidated Annual Performance and Evaluation Report – CAPER:

The CAPER provides annual performance reporting on client outputs and outcomes that enables an assessment of HOPWA grantee performance in achieving the housing stability outcome measure. The CAPER fulfills statutory and regulatory program reporting requirements and provides the grantee and HUD with the necessary information to assess the overall program performance

and accomplishments against planned goals and objectives. HOPWA sponsors are required to submit a CAPER, and complete annual performance information for all activities undertaken during each program year in the IDIS, demonstrating coordination with other Consolidated Plan resources. HUD uses the CAPER to obtain essential information on grant activities, project sponsors, housing sites, units and households, and beneficiaries which include racial and ethnic data on program participants. Visit the HUD Exchange site for Webinars, the User Manual, and other resources: [New Consolidated APR/CAPER](#).

5 HOPWA Grantee Oversight Guide:

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

6 HOPWA Financial Management Training:

This resource is an online, virtual gateway to help grantees and project sponsors acquire the knowledge and practical tools needed to implement effective financial management as a part of their daily routine and effective operation of the HOPWA program. Complete the training here: [HOPWA Financial Management Online Training Course](#)

7 The HUD Exchange:

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