

**Section 1 GENERAL INFORMATION**

**1-1 Introduction**

This document contains the established guidelines for Florida's Housing Opportunities for Persons with AIDS (HOPWA) Program referred to as the State HOPWA Program. These guidelines include requirements and procedures for client eligibility; eligible services and activities; and other requirements necessary for compliance and continued funding from the Department of Housing and Urban Development (HUD) for the State's HOPWA Program. This document was prepared and coordinated by the Department of Health, Bureau of HIV/AIDS, Patient Care Resources Section to assist local HOPWA Project Sponsors, case management agencies, Department of Health staff and other parties who are responsible for the implementation of the day-to-day activities of the program. These individuals and agencies and others have participated in the development and revisions of previous draft documents and every effort has been made to address and incorporate previous decisions rendered relating to statewide issues into these guidelines.

**1-2 Authority and Regulations**

The State HOPWA Guidelines are written in conjunction with the federal regulations as authorized by the AIDS Housing Opportunity Act (AHOA) and amended by the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992). The regulations of the program are governed by 24 CFR Part 574, (refer to References/Information Section I) as amended, Housing Opportunities for Persons With AIDS Final Rule, published in the Federal Register on April 11, 1994 and 24 CFR Part 91, as amended, Consolidated Submissions for Community Planning and Development Programs.

As an eligible state, Florida is the recipient of a non-competitive (formula) grant and received its first State HOPWA grant award in 1993. The Department of Health's Bureau of HIV/AIDS, Patient Care Resources Section administers the State HOPWA Program as the designated office within the department, which has the lead responsibility for the management of the statewide HOPWA program.

The Department of Health contracts with lead agency organizations as Project Sponsors to provide the HOPWA services in 10 consortium geographical areas throughout the state. These areas receive State HOPWA funds at the local level for services in 52 of Florida's

67 counties. The authority for state HOPWA contract services comes via approval from the Department of Housing and Urban Development (HUD) through the state of Florida's application for funding of the State HOPWA Program. A discussion of the six (6) metropolitan areas which qualify under HUD as eligible metropolitan statistical areas (EMSAs) commonly referred to as "city HOPWA" are presented in Section 1-5 of this document. These areas do not receive State HOPWA funds and are not a part of the State HOPWA Program. The EMSAs receive a direct formula grant award from HUD to address the needs of eligible persons who reside within the metropolitan statistical area (MSA); serving the remaining 15 counties in the state.

### **1-3 State HOPWA Program and Ryan White Title II Consortia Overview**

The State HOPWA Program is funded through a grant from the Department of Housing and Urban Development (HUD) to provide states with resources and incentives for meeting the emergency and temporary, short-term housing needs of persons with HIV and AIDS. The State HOPWA Program focuses on maintaining individuals in their own homes, or if already homeless, shifting persons back to a more permanent living situation. The State HOPWA Program serves 52 of Florida's 67 counties and provides temporary housing assistance to eligible individuals. These services include:

- Short-Term Supported Housing Facilities Payments
- Short-Term Rent/ Mortgage Payments
- Short-Term Utility Payments
- Case Management Services Associated with Housing

All of the State HOPWA Program services for eligible individuals with documented HIV disease and their families are listed in this document. Examples of services not approved by the State's HOPWA Program include but are not limited to payments which exceed the required time limits or actual costs; cash payments of any kind; and property taxes that are not included in mortgage payments. Funding received from the HOPWA grant may not be used to replace any other funds or services available from other state, federal or local government funding and other available housing resources must be accessed first, prior to accessing assistance under the State's HOPWA Program. The program emphasizes the connection between short-term housing assistance and appropriate supportive services available through other funding sources such as Ryan White Title II and state general revenue. Additional information is provided from the Health Resources and Services Administration (HRSA) on the use of Ryan White CARE Act funds for housing referral services and short-term or emergency housing needs. (Refer to the HAB Policy Notice 99-02, References/Information Section M.)

Ryan White Title II Consortia

The State HOPWA Program funds are allocated by the Department of Health (DOH) to the 10 Ryan White Title II consortium geographical areas that serve the 52 counties eligible to receive funding. The Ryan White Title II Consortia are the primary planning bodies for HIV services in each of the service areas. The state seeks to maximize the efficient expenditure of scarce resources and provide a continuum of care by planning for a variety of services including medical care, pharmaceuticals and other support services. This is best achieved by utilizing the Consortia to provide the Department of Health with needs assessment, planning and prioritization recommendations for the State HOPWA Program. The Consortia as the HOPWA planning body has the responsibility for providing recommendations to the department relating to eligibility requirements and other HOPWA requirements which may be more restrictive than those outlined in the federal regulations and the State HOPWA Guidelines. The Department of Health reviews the recommendations within the parameters of the state and federal requirements prior to implementation since the Department of Health, as the grantee, is ultimately responsible and accountable to HUD for all grant activities in the state. The type of recommendations which the Consortia may address include the following and vary from one Consortium area to another:

- On a unit-by-unit basis, the consortium may increase co-pay amounts up to 10% to 20% of the units assisted.
- Co-pays are not required but the Consortia have the option of recommending the collection of a rent co-payment. (Refer to Section 6-8 for additional information regarding co-payments.)
- There is no maximum subsidy for mortgage payments. However, the consortium may set reasonable parameters to meet the local need and maximize the amount of service availability by imposing a rental or mortgage assistance cap. Such parameters are subject to programmatic review by the department. (Refer to Section 4-2 for additional information.)

**1-4 State HOPWA Project Sponsors and Service Areas**

The Department of Health contracts with the local lead agency organizations (in most areas) as Project Sponsors in 10 consortium geographical areas throughout the state to fund and provide HOPWA services in 52 of Florida's 67 counties. The local contract is

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managed by the Department of Health contract manager. The Project Sponsors and the counties served include the following:

<b>AREA</b>	<b>TARGETED CONSORTIA</b>	<b>PROJECT SPONSORS</b>	<b>COUNTIES SERVED</b>
1 Pensacola	Northwest Florida AIDS Consortium	Escambia AIDS Services & Education, Inc.	Escambia, Walton, Okaloosa, Santa Rosa
2A Panama City	Central Panhandle AIDS Network	Bay AIDS Services & Information Coalition, Inc.	Bay, Calhoun, Gulf, Holmes, Jackson, Washington
2B Tallahassee	Panhandle Area HIV/AIDS Network	Big Bend Cares, Inc.	Leon, Franklin, Gadsden, Liberty, Jefferson, Taylor, Madison, Wakulla
3/13 Gainesville	N. Central Florida CARE Consortium	North Central Florida Health Planning Council	Alachua, Union, Bradford, Citrus, Columbia, Levy, Putnam, Lafayette, Dixie, Gilchrist, Sumter, Hamilton, Marion, Lake, Suwannee, Baker
5/6/14 Tampa	West Central Florida Ryan White CARE Council	Hillsborough County Health & Social Services	Polk, Highlands, Hardee, Manatee
7 Orlando	East Central Florida AIDS Network	United Way of Brevard, Inc.	Brevard
8 Ft. Myers	Southwest Florida AIDS Network	Health Planning Council of Southwest Florida, Inc.	Lee, Sarasota, Charlotte, Collier, DeSoto, Hendry/Glades
11B Key West	Monroe County AIDS Consortium	AIDS Help, Inc.	Monroe
12 Daytona Bch	Volusia/Flagler AIDS Consortium	Health Planning Council of Northeast Florida, Inc.	Volusia, Flagler
15 Ft. Pierce	AIDS Consortium of the Treasure Coast	Treasure Coast Health Council, Inc.	Martin, St. Lucie, Indian River, Okeechobee

Each Project Sponsor in a designated area receives State HOPWA funds under a contract with the Department of Health for the state's fiscal year, July 1 to June 30 to carry out eligible activities and services for the State HOPWA Program.

The selection of Project Sponsors is not subject to federal procurement requirements under 24 CFR 85.36. Federal and state guidelines require that HOPWA activities are administered in conjunction with Ryan White Title II Consortia, to promote maximum coordination between various funding sources of HIV services. Therefore, the state has required the activities of the State's HOPWA Program to include the coordination of Consortia activities to provide the Department of Health with needs assessment, planning and prioritization recommendations.

**1-5 Six Eligible Metropolitan Statistical Areas (EMSAs)**

The six (6) consortium areas, which do not receive State HOPWA funds, qualify under HUD as eligible metropolitan statistical areas (EMSAs) commonly referred to as “city HOPWA”. The EMSAs receive a direct formula grant award from HUD to address the needs of eligible persons who reside within the metropolitan statistical area (MSA); serving 15 counties in the state.

The six (6) eligible metropolitan statistical areas (EMSAs), which receive formula entitlement awards directly from HUD, within Florida are:

<b>AREA</b>	<b>EMSA</b>	<b>COUNTIES COVERED</b>
4 Jacksonville	Duval County	Nassau, Duval, Clay, St.Johns
5/6/14 Tampa	Hillsborough County	Hernando, Pasco, Hillsborough, Pinellas
7 Orlando	Orange County	Lake, Seminole, Orange, Osceola
9 West Palm Beach	Palm Beach County	Palm Beach
10 Ft. Lauderdale	Broward County	Broward
11A Miami	Dade County	Dade

A summary of the EMSA planning and application process for federal HOPWA funds may be found in the “References/Information Section F.”

**1-6 Allocation/Distribution of Funds**

Distribution of funds for the State HOPWA Program is based on a formula allocation methodology. The allocation methodology is currently holding harmless the fiscal year 1998-99 base. New funds are allocated annually based on the cumulative number of reported living HIV and AIDS cases in the 10 geographical consortium areas through January 31 of the calendar year.

An allocation under the State HOPWA Program's allocation methodology is subject to change, year to year, due to such variables as: the level of appropriation for Florida's program; the proportionate percentage of the cumulative number of reported living HIV and AIDS cases in each consortium geographical area as of January 31 of the calendar year of the allocation; and the amount of unexpended funds from the prior fiscal year(s). Accordingly, funding increases or decreases are applied across the board proportionately using a percentage allocation. The increase or decrease is applied to the base funding level and is reflected in the Department of Health's contract with the Project Sponsor.

**1-7 Availability of Funds**

Grantee Administrative Costs. The Department of Health as the grantee may use up to 3% of the total HOPWA funds for administrative expenses. Administrative costs are costs for general management, oversight, coordination, evaluation and reporting on eligible activities. A minimum of 97% of State HOPWA funds received by the Department of Health is allocated statewide to contract with the 10 Project Sponsors under the one-year HOPWA contract, July 1 through June 30. The allocation is based on the geographical area's proportionate share of the cumulative number of living HIV and AIDS cases. If the terms of the contract between the Department of Health and the Project Sponsor are violated, additional funds to the specified area could be jeopardized until satisfactory resolution is achieved.

## **Section 2      CASE MANAGEMENT SERVICES**

The State HOPWA Program, case management services, focus on maintaining individuals in their own home, or if already homeless, shifting persons back to a more permanent living situation. The State HOPWA Program funds case management services to provide this function as long as it is associated with accessing housing services through HOPWA.

HOPWA case management is a client-centered service that links eligible individuals with emergency, short-termed housing assistance with the State HOPWA Program in conjunction with these guidelines. The department contracts with 10 HOPWA Project Sponsors which either directly or through subcontracts provide appropriate case management services to HOPWA clients.

HOPWA case managers as authorized by contract and these guidelines are responsible for determining client eligibility for the HOPWA Program, assisting with the HOPWA application process, documenting and verifying that all requirements for eligibility in the State HOPWA Program are met, developing a Housing Plan of Care and maintaining accurate and updated files on HOPWA clients. The case management activities are referenced throughout this document but the following provides reimbursement information.

Case management services directly associated with housing services are reimbursable on a unit cost basis under the State HOPWA Program. Services include: time incurred by the case manager in enrolling clients, assistance in finding housing for the client, and the required reporting associated with the HOPWA Program. Clients should receive assistance in gaining access to local, state and federal government benefits and services; permanent housing placement; housing information services including counseling information and referral services. Other requirements include:

- A unit of cost is defined as 1/4 hour of case management service at a rate not to exceed \$11.00 per unit or the current Medicaid rate.
- Clients shall not be charged for case management services.
- The case management services are provided under the department's contract with the Project Sponsors.

**Section 3 CLIENT ELIGIBILITY AND DOCUMENTATION REQUIREMENTS**

Eligible persons are enrolled in the State HOPWA Program by qualified case managers who are responsible for case management directly associated with housing services. Case managers are responsible for coordinating and facilitating the client's eligibility determination for enrollment in the HOPWA Program. This includes a number of case management activities as described in the Ryan White Title II contract and includes but is not limited to those activities stated throughout this document.

**3-1 Application Process**

The application process for HOPWA enrollment may vary between Project Sponsors statewide; however there are minimum requirements which must be completed to ensure a successful eligibility determination as presented in Section 3-2 through 3-7. The local Project Sponsors may require additional information.

The case manager will assist the applicant in completing the HOPWA application process. Sections 3-2 through 3-7 provide detailed eligibility and documentation requirements including the required or suggested forms for documentation purposes. The following list of sample forms/attachments may also be used to complete the application process depending on the applicant's circumstances and eligibility status for the State HOPWA Program:

- Housing Opportunities Program Checklist (Attachment 1)
- Client Needs Assessment for HOPWA Assistance (Sample Attachment 2)
- HOPWA Client Ranking System (Sample Attachment 3)
- HOPWA Worksheet for Calculating the Maximum Subsidy for Resident Rent/Mortgage Payment (Sample Attachment 4)
- Housing Opportunities Program Consent to Release Information (Attachment 5)
- HOPWA Participation Agreement (Attachment 6)
- HOPWA Participant Rights and Responsibilities (Attachment 7)
- HOPWA Application Form for Housing Assistance (Attachment 8)

The case manager should refer to the References/Information Section of these guidelines for additional information on Income Limits, Annual Income/Allowances and Adjusted Income/Allowances. (Refer to References/Information Section A., B., and C.)

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

All of the above information is maintained in the applicant's file and is used during the development of the Housing Plan of Care which is discussed in Section 3-6, page 14.

### **3-2 Eligibility Determination, Minimum Requirements**

The case manager determines an applicant's eligibility for the State HOPWA Program. An eligible person for the State HOPWA Program is a person with HIV/AIDS (and the person's family) who meets the following eligibility requirements:

- must be enrolled through a case manager;
- must have an HIV positive antibody test as stated in Section 3-3;
- must have a documented income that does not exceed 80% of the median income for the area as referenced in Section 3-4; and
- must have a documented HIV-related need for housing assistance as referenced in Section 3-5.

There are no residency requirements to receive assistance with the State HOPWA Program.

When determining eligibility the following definitions are used:

Family means a household comprised of two or more related persons. The term family also includes:

- one or more eligible persons living with another person or persons who are determined to be important to their care or well-being and the surviving member or members of any family described in this definition.
- surviving member or members of any family who were living in a housing unit assisted under the State HOPWA Program with the person with AIDS at the time of his or her death.

A person who is not a relative by blood or marriage (e.g., roommate) can be considered a “family” member if they are important to the “care or well-being” of the person with HIV/AIDS.

- This is not the same as a live-in aide, who is a person compensated for providing care to the person with HIV/AIDS.
- A roommate cannot change the status to a “family” member after the death of a HOPWA client in order to receive survivor benefits. (Refer to Section 5-1 for additional information on survivor benefits.)

### **3-3 Documentation of HIV Positive Antibody Test**

An applicant must have a documented HIV Positive Antibody in order to be eligible for the State HOPWA Program. A laboratory test documenting HIV infection is required, i.e.:

- A positive HIV antibody test.
- Direct viral tests such as PCR or P24 antigen.
- Viral culture results.
- Detectable viral load and viral resistance tests.

Current laboratory documentation, specifically CD4+ and viral load tests, must also be provided whether the physician is public or private. A current lab report for CD4+ must be less than 6 months old. Viral load levels must be less than four months old.

The Classification of HIV Disease Status form (Attachment 9) may be used for this purpose.

### **3-4 Documentation/Verification of Income**

The eligible person/family must meet the federal low-income guidelines. Low-income is defined as income that does not exceed 80% of the median family income for the area, adjusted for the number of persons in the household and subject to adjustments for areas with unusually high or low incomes or housing costs. (Refer to Income Limits for the Public Housing and Section 8 Programs, References/Information Section A.)

Very low income is defined as 50% of the median family income for the area, subject to specified adjustments for areas with unusually high or low incomes.

To determine income eligibility, the applicant must report all sources of income and the amount received per month. Appropriate documentation includes copies of checks, bank statements, written statement signed by the client's employer, public assistance award or denial letters and other statements of support and certifications of sources of income. If the applicant is a family as defined in this section, the income of all adult (18 and over) family members, unless otherwise specified in the income/allowances guidelines, must be included when assessing income eligibility. Assistance will be pro-rated when a family member refuses to provide documentation of their contribution to the household income.

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

- Sources of income may include: Social Security Income, AFDC, child support, employment, unemployment compensation, etc.
- Back-up documentation may include: pay check stubs, certified letter from Social Security, statement of no income signed by the client, etc.

No Documentation: In cases where no documentation of income is available, the case manager shall document their inquiry and efforts to obtain income information. A signed self-declaration statement is sufficient. The decision to provide assistance to prevent homelessness may, in this case, depend upon a subjective decision with specific notes for the file showing efforts made to acquire information and why the decision was made to support the client. (Refer to Verification of No Income, Attachment 10.)

Household income must be documented. Documentation of all household income and compliance with HUD household income requirements includes but are not limited to: Wages, SSI/SSD/SDI, and AFDC.

Appropriate documentation for family members are similar to the person and may include copies of checks, bank statements, written statement signed by the client's employer, public assistance award or denial letters and other statements of support and certifications of sources of income. If the applicant is a family as defined in this section, the income of all adult (18 and over) family members, unless otherwise specified in the income/allowances guidelines, must be included when assessing income eligibility. Assistance will be pro-rated when a family member refuses to provide documentation of their contribution to the household income.

Income of an elderly parent and adult child. The income of an elderly parent and adult child must be included to establish eligibility. There is an income deduction for persons age 62 and over. (Refer to Adjusted Income Allowances, References/Information Section C.)

Income of roommate(s). The initial application should declare whether others in the household are roommates or whether they are family. Once declared, this can only be changed when a roommate becomes a spouse. If declared a family, all income of adult members must be considered in determining income eligibility. If the applicant is an individual with roommates, only the client's income is counted when assessing income eligibility and housing assistance must be pro-rated among roommates.

Annual income is the anticipated total income from all sources received by the family/household, including all net income derived from assets for the 12-month period following the effective date of certification of income.

When determining the client's ability to pay for and maintain housing, all income should be considered including the client's income derived from assets. The client may be required to use assets in that HOPWA assistance should be the last resort.

Food stamps are not considered income under the State HOPWA Program.

### **3-5 Documentation and Verification of HIV-Related Need**

In addition to the eligibility requirements described in Sections 3-2 through 3-4, the HIV-related need must be established and documented. HIV-related need means the client must have an HIV condition that has a negative impact on their income and expenses to the extent that they cannot currently afford housing. The housing need must be directly related to the client's HIV infection. The State HOPWA Program is a need and eligibility based program. A client's HIV+ status alone is not the sole criteria in determining the client's eligibility for assistance.

#### Examples of HIV-related need.

- The applicant is unable to pay rent, mortgage, utilities, etc., due to their HIV status at the time assistance is requested; such as (1) the client is unable to work due to hospitalization and, therefore, received significantly less pay and unable to cover

expenses; (2) the client had to purchase unexpected costly HIV medications out of pocket; (3) the client was not hospitalized but too ill to work according to a physician's statement, and the client did not have a salaried position where sick and annual leave was accrued.

- The applicant is requesting assistance in an effort to move to more affordable housing to better accommodate their diminished income which has decreased because of their HIV status. For instance, the client is forced to work fewer hours due to fatigue/illness and is only receiving Social Security Income.
- The applicant left employment and is in the application period for disability benefits.
- The applicant had unexpected, unbudgeted medical expenses that must be paid.

Examples of Non HIV-related need:

- The applicant used their limited income to make vehicle payments and frequent repairs, to cover costs of maintaining pets, making excessive long distance telephone calls, purchasing Christmas presents, illegal drugs and alcohol, frivolous items, paying traffic citations, court or probation costs, etc., expecting HOPWA to pay housing costs.
- The applicant had their wallet stolen.
- The applicant had fines/probation/restitution fees to pay.
- The applicant purchased excessive gifts.

Documentation/Verification of Need

Appropriate verification of the need for housing depends on the applicant's/client's circumstances but may include the following:

- monthly mortgage statements
- lease/rental agreements
- certified letters from landlords or overdue notices
- utility statements or overdue notices
- original copy of utility bill (Verification of Utility Bills for HOPWA Assistance Form, Attachment 11)
- phone bills or overdue notices
- bills/written estimates documenting housing-related expenses
- any additional documentation requested by the case manager to support the request for assistance

- Security Deposit/Landlord Mortgage Agreement and Letter signed and returned from the Landlord/Mortgage Holder. (Security Deposit Agreement, Sample Attachment 12A and Client Agreement to Return Security Deposit Attachment 12B)

All of the above documents will be included in the client's file, including the Housing Plan of Care once eligibility has been established. (Refer to Section 3-6 for information on the Housing Plan of Care Development.)

### **3-6 Development of the Housing Plan of Care**

Once all of the activities referenced in Sections 3-1 through 3-5 have been completed, the case manager will develop the client's individualized Housing Plan of Care. The Housing Plan of Care is a written assessment with the primary goal of assisting the client to achieve independence from HOPWA and live within their financial means. The plan of care is developed by the case manager and the client together to determine the need for housing assistance, the type of housing assistance, and what will happen at the end of the HOPWA time-limited assistance being provided. (Refer to Section 4 to determine the type of housing assistance needed.)

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

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

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

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

The plan should be simple and clear statements which include the goals of the client in securing stable and permanent housing independent of continued HOPWA assistance. (Refer to Housing Plan of Care, Attachment 13 and Client Budget Worksheet, Attachment 14.)

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

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

### **3-7 Ineligible Determination**

An ineligible person or persons for the State HOPWA Program should be provided a written explanation of the determination. The source of authority for determining the applicant's ineligible status for HOPWA services should be stated. If the applicant is not satisfied, does not understand the decision, or wishes to challenge the decision, a simplified step-by-step procedure for recourse for the applicant to follow should be included in the written explanation. Appropriate referrals to other resources and for other funding sources should be explored and shared with the applicant.

## **Section 4 ELIGIBLE HOUSING ACTIVITIES AND STANDARDS**

The State HOPWA funds can be used for emergency and temporary rent, mortgage and utility payments to transition eligible persons into more permanent housing arrangements. For clarification, there are generally three types of eligible housing activities under the State HOPWA Program that are presented in this section:

- Short-Term Supported Housing Facilities to provide temporary shelter (60 days)
- Short-Term Rent/Mortgage to enable eligible individuals to remain in their own dwelling (21 weeks/5months)
- Short-Term Utility Payments to enable eligible individuals to remain in their own dwelling (21 weeks/5 months)

In addition, case management is also a HOPWA activity provided to eligible individuals as long as it is associated with accessing housing services through HOPWA. (Refer to Section 2 for additional information on case management services.) According to HUD, Short-Term Supported Housing Facilities, Rent/Mortgage and Utility Payments are viewed as separate service categories, each with its own eligibility time limits as further explained in this section.

### **4-1 Short-Term Supported Housing Facility and Time Limits**

The Code of Federal Regulations, 24 CFR Part 574.330(a) states "A short-term supported housing facility may not provide residence to any individual for more than sixty (60) days during any six month period." The need for short-term supported housing is generally calculated on a daily basis and is no longer than 60 days unlike mortgage, rent and utilities which are generally figured on a monthly basis and are no longer than 21 weeks or 5 months.

If a client initially needed short-term housing facility placement (60 days during any six month period) and then progressed to needing rent and utility assistance (up to 21 weeks or 5 months), a client could receive HOPWA assistance under both service categories. HUD does allow an individual to receive up to 60 days of short-term housing placement assistance followed by 21 weeks of short-term rent, mortgage and utility assistance. These combined services may last approximately 7 months.

Examples of short-term housing facilities include but are not limited to furnished apartments, hotel rooms, housing rooms, etc., that foster independent living while more

permanent arrangements are sought. Additional standards that must be followed for placement in a short-term housing facility include the following:

- The placement assistance may not exceed 60 days during any six-month period.
- One unit of service is one day of placement.
- Rate Reasonableness: The daily rate charged for a unit of services must be reasonable in relation to rates currently being charged for comparable units in the private unassisted market. It must not be in excess of rates currently being charged by the facility for individuals not receiving HOPWA assistance. If a situation in which the fair market rate standards cannot be secured, the case manager should thoroughly document their housing search efforts and note what plans are being made towards securing long term, affordable housing. At no time should this rate reasonableness requirement be waived.

#### **4-2 Short-Term Rent/ Mortgage Payments and Time Limits**

Short-term rent/mortgage payments are also an eligible HOPWA activity for eligible individuals. The State HOPWA Program provides short-term rent and mortgage assistance to enable clients to secure stable housing or maintain their existing housing. Assistance is time-limited with restrictions on the use of HOPWA funds for rent and mortgage payments. When determining the eligible amount of assistance for this type of housing assistance, the following standards must be considered by the case manager:

- There is a difference between a house mortgage and rent. A mortgage is a loan from a bank to pay for a house; and rent is associated with a lease on property owned by a third party. HOPWA funds can be used for either.
- The State HOPWA Program also pays for lot rent and trailer rent up to a cap amount, if a cap has been established. If the trailer and lot rent combined exceed the cap amount, the cap amount will be paid. Lot rent and trailer rent is all considered part of the rent/lease or mortgage.
- Short-term rent/mortgage assistance is limited to a period of not more than 21 weeks (5 months) during any 52-week period. Case managers must plan ahead and assist clients in making other arrangements when the 21-week time limit is exhausted in the middle of the month.
- One unit of service is one month of rent or mortgage assistance.

- Payment for rent and rental security deposits and mortgage assistance will not be more than the specified amount including late fees if applicable, submitted by the landlord or lien holder.
- Monthly Maintenance. HOPWA funds used to cover monthly maintenance fees on condominiums would not be standard practice and should be considered on a case-by-case basis. However, if the client is to be evicted because of a non-payment of the maintenance fee, then the State HOPWA Program could provide assistance (within the guidelines).
- Shared Housing: If a HOPWA applicant is an individual with a roommate(s), only the client's income is counted when assessing income eligibility. However, rent and utilities must be pro-rated among the roommates. That is, if a client has two roommates, one-third of the actual rent is used to assess the HOPWA allowance. If unrelated individuals reside together and one person is eligible to receive assistance, the Project Sponsor must insure that the other individual is not unduly compensated as the result of HOPWA assistance.
- Rent Reasonableness. The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market. It must not be in excess of rents currently being charged by the rental property for comparable unassisted units. However, if after conducting a housing search, housing which complies with the fair market rent standards cannot be secured, temporary housing which exceeds the fair market rent standards may be purchased. If this situation arises, the case manager should thoroughly document their housing search efforts and note what plans are being made towards securing long term, affordable housing. At no time should the rent reasonableness requirement be waived.
- Maximum Subsidy for Rental Payments. The amount of funds used to pay monthly rental assistance for an eligible person may not exceed the lower of the rent standard or reasonable rent for the unit. The rent standard shall be established by the consortium and shall be no more than the published Section 8 Fair Market Rents (FMR).
- There is no maximum subsidy for mortgage payments.
- Mortgage Reasonableness. In the case of the mortgage, a copy of the mortgage statement from the company, a description of the portion of the property being used by the applicant (when household income is not included, shared housing) and an estimate (in percentage) of the amount of space used by the applicant must be considered. Example: An applicant is living with his or her parents or roommate. Their mortgage is \$950 per month on a 3 bedroom home. They have a written agreement with the applicant to pay \$250 per month. In order to qualify, the HOPWA-

certified individual would solicit a description of the space used - a bedroom, a bathroom, shared kitchen, shared laundry, shared living room. This is approximately 42% of the house considering a 12-room house. Five rooms divided by 12 possible rooms equal 42%. Therefore, since 42% of the \$950 mortgage is \$399, they are charging a reasonable amount.

- Short-term rent or mortgage payments will be based upon fair market rent (FMR) value for the area. (Refer to HOME Program Rent Limits based on Section 8 Fair Market Rents, References/Information Section D.)
- The rental or mortgage assistance agreement should be completed by the interviewer and returned from the landlord, prior to recommendation for authorization of payment for assistance. (Refer to Landlord/Mortgage Holder Agreement, Sample Attachment 15).
- The client may be required to contribute to the cost of rent or mortgage.

#### **4-3 Short-Term Utility Payments and Time Limitations**

The State HOPWA Program provides short-term utility assistance to pay for gas, coal, oil, water, local telephone service, electricity and firewood, including late fees, reconnect fees, and payments in arrears. (Refer to Section 6-9 for additional information on payment in arrears.) Hookup fees and deposits are allowable expenses, however, should be paid with HOPWA funds only after all other funding alternatives are exhausted. (Refer to Verification of Utility Bills for HOPWA Assistance, Sample Attachment 11.) Additional requirements that apply are as follows:

- Assistance is limited to no more than 21 weeks in any 52-week period. (Case managers must plan ahead and assist clients in making other arrangements when the 21-week time limit is exhausted in the middle of the month.)
- One unit of service is one month of utility assistance.
- Utility bills may be paid in full under the State HOPWA Program; however, clients may be required to contribute to the cost of utilities.
- Utility bills that are not in the clients name may be paid with state HOPWA funds provided utilities are where the client resides and payment is due or overdue.

#### **4-4 Calculating the Time Limits for Short-term Rent/Mortgage and Utilities**

The following provides information to consider when calculating the time limitations:

- The time limit for HOPWA funds is 21 weeks or five months. Either is acceptable; however, the federal regulations are clear that HOPWA assistance can be provided for no more than 21 weeks out of a 52-week period. If calculated using 21 weeks, it may be necessary to fund a partial month for the applicant. Each Project Sponsor can determine how to calculate using 21 weeks or 5 months. Depending on which five months, there is a difference of only a few days. (Example: January - May = 147 days; 21 weeks equal 151 days.)
- When rental or mortgage and utility assistance are provided for the same month, this is counted as one month (one access) of HOPWA assistance.
- A client who has utilized the initial 21 weeks of eligibility and is not eligible for a waiver of the time limitations for rent, mortgage and utilities assistance, is not eligible for HOPWA assistance again until one year from the first month of receiving the initial assistance. For example if a client received assistance for 21 weeks or 5 months from May through September 2000, the client will be eligible for assistance again one year from the first month of receiving assistance or May 2001. If the client received assistance every other month with the initial assistance being May 2000 through January 2001, the client will be eligible again for assistance May 2001.
- There are times when back payments (payment in arrears) must be considered. The number of weeks or months of assistance are counted when the client received assistance for back payment of 2 or more months. For example, 2 months back payment for rent would be counted as 2 months of assistance and therefore, the client is only eligible to receive an additional 3 months of assistance under the current time limitations of 21 weeks or 5 months. If the client receives rental assistance for 2 months back payment, he or she is only eligible to receive an additional 3 months of assistance within the 52-week period.
- Assistance for rent, mortgage, or utility payments to any individual may not be provided for more than 21 weeks in any 52-week period. Under extenuating circumstances, this time period may be expanded. Federal regulations state that HUD may waive, as it determines appropriate, the limitations of 24 CFR Part 574.330(a)(1) and will favorably consider a waiver based on good faith efforts of a Project Sponsor to provide permanent housing under subsection (c). Under the State HOPWA Program, Project Sponsors must document the circumstances in which the need for continued assistance is required, the efforts that have been made toward achieving financial independence and the plan for obtaining permanent housing. The exceptional request must be submitted to the department contract manager for review and approval prior to an extension being

granted. (Refer to Section 4-5 for additional information regarding Waiver of Time Limitations.)

- HOPWA federal regulation allows that survivors can have HOPWA assistance for up to a year; however, the State HOPWA Program under the state contract, survivors can receive assistance for only up to 3 months. Should the contract be changed to extend benefits for a year? No. The specific language in the federal register states that "The grantee or Project Sponsor shall establish a reasonable grace period... not to exceed one year from the date of death." The state of Florida is the grantee under whom funds are made available and it has made the decision to limit survivor's benefits to three months under the State HOPWA Program.

The planned commitment of HOPWA funds to be used for clients for the maximum time period or in excess of the time period would be inconsistent with the intent of the regulations at 24 CFR, Part 574. (Refer to 24 CFR Part 574, References/Information Section I.) HOPWA funds are provided to prevent homelessness and assist those clients who have an HIV-related need.

Although a client who meets the income criteria and is symptomatic, acutely ill or disabled by HIV/AIDS may be eligible for the maximum allowable assistance, HOPWA benefits should not automatically be provided for the maximum 21-week period to all persons eligible for assistance.

Each request for assistance should be reviewed monthly to determine eligibility based on financial and HIV-related need. Where the goals of the Housing Plan of Care have not been achieved by the anticipated time period due to circumstances beyond the control of the client, the department may waive the time limitations as it determines appropriate and will favorably consider waiver based on the good faith efforts of a Project Sponsor, to the maximum extent practicable, to provide the opportunity for placement in permanent housing or a living environment appropriate to the client's health and social needs.

#### **4-5 Waiver of Time Limitations**

The Department of Health contract manager may approve, on a case-by-case basis, exceptional requests to extend assistance beyond the time limitations for rent, mortgage and utility payments to prevent homelessness of a client. Examples of exceptional

request include: client has applied for Section 8 housing and is on the waiting list; client is waiting for Social Security disability income or supplemental security income; client's unemployment benefits ended and other income is being explored; etc.

The case manager and client must review budget goals and housing care plan goals monthly to determine the client's progress toward achieving independent living and the need for continued assistance. (Refer to Housing Plan of Care, Attachment 13 and Client Budget Worksheet, Attachment 14.)

Required documentation: Requests to extend the 21-week time period for both housing and utility assistance should be avoided in all cases; however, exceptions may be approved by the Department of Health contract manager, only upon documentation of:

- An extremely dire financial or medical situation which prevents the eligible client from making his or her housing payments;
- Attempts to secure further client housing by both the case manager and client;
- Availability of funds based on review of the current contract and monthly expenditure rate of the Project Sponsor;
- The amount and frequency of previously approved exceptional requests; and
- The date of last application or appeal and status or progress of pending Social Security Disability or Supplemental Security Income determination, if appropriate.

The following procedure should be followed in the receipt, review and approval of exceptional requests:

- Project Sponsors must submit written requests to the contract manager justifying the need for extended housing or utility assistance.
- Justification must include at a minimum: (1) explanation of the HIV-relatedness; (2) thorough explanation of the exception or unusual circumstances surrounding the request; (3) anticipated period of time for which additional assistance is needed; and (4) details of the client's plans toward securing and maintaining permanent affordable housing.
- The Department of Health contract manager should make every effort to respond to such requests within two (2) business days of receipt of the written request for extension from the Project Sponsor. (Refer to Waiver of the 21-Week Time Limitation, Examples of Justification, References/Information Section E.)

- The Department of Health contract manager will follow-up with a written response to the Project Sponsor, indicating approval or disapproval within ten (10) working days of receipt of the written request.

The Department of Health contract manager's written approval will include:

- Acknowledgement of receipt of the request for waiver of the 21-week time limitation for rent, mortgage and utility payments to prevent homelessness as stated in the HOPWA federal regulations at 574.330 (a)(2).
- A statement, that based on the documentation provided (Project Sponsor justification), it appears that the case manager has made good faith efforts to assist the client in securing and maintaining housing appropriate to his or her health and social needs and therefore, the waiver request is approved. (If the request for waiver is denied, provide a written statement/reason for denial.)
- A statement that a monthly assessment of the client's ability to secure and maintain permanent affordable housing should be conducted by the case manager in addition to the provision of appropriate counseling and referral services.
- The contract manager's signature and date with a copy of the justification attached to the approval letter.
- A copy of the approval and justification should be forwarded within 15 days of approval, to:

Bureau of HIV/AIDS  
Patient Care Resources Section  
Florida Department of Health  
4052 Bald Cypress Way, BIN A09  
Tallahassee, Florida 32399-1715  
Attention: State HOPWA Program Coordinator

#### **4-6 Ineligible Activities and Standard Not Approved for Funding**

The State HOPWA Program cannot be used for the following services and activities:

- Payment of more than actual cost.
- Payment made directly to a client.
- Cash payments of any kind, including checks made out to cash.
- Property taxes that are not included as part of the mortgage payment.
- Long distance telephone charges.
- Repairs of any kind to an individual's home or apartment.

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- Damages to rental property or stolen furnishings.
- Payment to family member(s) or individual/private owner for rent unless substantiated by a written NOTARIZED agreement that a continuing leasee/lessor relationship existed prior to the application for HOPWA assistance.
- Down payment or closing costs to purchase a house.
- Non-traditional supportive services such as: transportation, medical care, dental care, pharmaceuticals or other health care services. (Supportive services are available to clients through other funding sources such as Ryan White Title II, AIDS Drug Assistance Program (ADAP), General Revenue, Project AIDS Care (PAC), etc.)
- Payments which exceed the required time limits;
- To replace any other funds or services available from other state, federal or local government funding. (Other available housing resources must be accessed first, prior to accessing assistance under the State's HOPWA Program.)

**Section 5 CLIENT TERMINATION OR DISMISSAL**

Clients may be terminated from the program for the following reasons. (Refer to Example of Policy and Procedures for Dismissal of Clients, References/Information Section G.)

**5-1 Death of a Client and Survivor Benefits**

Surviving Family Members – With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA Program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the State HOPWA Program shall continue for a grace period not to exceed three (3) months following the death of the person with AIDS. During the grace period, the case manager will assist the remaining family members to secure alternative housing and may assist the family with moving expenses. (The consortium shall set reasonable parameters to maximize the amount of services available by imposing a cap on assistance for surviving family members moving expenses. Such parameters are subject to review by the department.) The Project Sponsor shall notify the family of the duration of their grace period.

**5-2 Violation of Program Requirements**

A client may be terminated or dismissed if he or she violates or continues to violate program requirements in the form of, but not limited to, findings of fraudulent use of HOPWA assistance, conflict of interest and purposeful omissions, falsifications or misstatements of conditions of occupancy, threats of violence, verbal abuse and harassment, criminal activity, destruction of property including rental property, and non-compliance with case manager and client's plan to secure permanent affordable housing.

**5-3 Termination/Dismissal Policy and Procedure**

“Dismissal” shall mean formal action, taken in accordance with the established policies to cease delivering services, close the case record, and bar the client from applying for additional assistance. Dismissal is intended to be permanent. However, with compelling evidence of changes in circumstances and client behavior, the case may be re-opened.

In terminating assistance to any program participant for violation of program requirements, the Project Sponsor must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law.

Dismissal of a client from the State HOPWA Program will only occur when there is evidence of a persistent and serious problem and repeated efforts to resolve the difficulty have been unsuccessful.

Reasons that constitute sufficient cause for dismissal include, but are not limited to: threat of violence; verbal abuse; harassment; persistent non-compliance.

New clients should be informed of the dismissal policy and procedures at Intake. Clients will be reminded of the dismissal policy at any time that a problem is identified that may result in dismissal.

Project Sponsors must follow established procedures outlined below to terminate or dismiss a client. The Project Sponsor should update the Department of Health contract manager, as the termination/dismissal process is implemented and finalized. The following procedures apply to the State HOPWA Program.

- Action for dismissal of a client should be initiated by the case manager through a written request to the Project Sponsor, executive director, providing justification for dismissal.
- The Project Sponsor shall document thorough and persistent attempts to resolve the problems presented by the client.
- In cases of dismissal, the Project Sponsor shall notify the contract manager of the problem.
- If the Project Sponsor determines, through its investigation, that dismissal is appropriate and necessary, written notification of this finding will be provided to the client by registered mail. Should the client challenge a decision, the Project Sponsor's grievance procedures are to be followed.

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- A record of the dismissal shall be maintained for a period of at least five years by the Project Sponsor. The records shall be subject to the Department of Health regulations concerning confidentiality of HIV records.

**Section 6 OTHER REQUIREMENTS AND ACTIVITIES**

**6-1 Specific Program Requirement Regarding Supportive Services**

The HOPWA Program specifically requires supportive services be provided in conjunction with housing assistance. Therefore, supportive services provided by the Ryan White Title II program, general revenue or other funding sources should be accessed. Enrollment through a case manager and evidence of an individualized Housing Plan of Care (Housing Plan of Care, Attachment 13) and case management activities satisfies the requirement.

**6-2 Client Confidentiality**

Project Sponsors must agree to ensure the confidentiality of the name and information of any individual receiving assistance. Project Sponsors must comply with the department's Information Security Policies, Protocols and Procedures, 1999-2000, as amended, and the requirements specified in Sections 384.29, 381.004, 392.65 and 455.667, Florida Statutes. (Refer to Memorandum of Understanding, Confidentiality of Client Information, Attachment 16)

**6-3 Grievance Procedures**

A "grievance" shall mean an allegation of violation of federal or state law, regulations, or adopted policies of the Project Sponsor. Issues that cannot be grieved are conditions and limitations of services established through federal law and regulation.

Project Sponsors must establish and follow a system of internal agency procedures through which clients may present grievances if services are reduced, suspended, denied, or terminated; or if a client is dissatisfied with the way services are provided. New clients are to be informed of the grievance policies and procedures at intake. Clients will be reminded of the grievance policy at any time that a problem is identified that may result in a grievance. (Refer to Sample Grievance Policy and Procedures, References/Information Section H.)

The following policy and procedures apply to the State HOPWA Program:

- A written procedure should be developed by the Project Sponsor which includes a written explanation to the client if it is determined the client is suspended, terminated,

ineligible, or denied HOPWA services. The source of authority should be identified (i.e., contract requirement; state guidelines; federal regulations; etc.).

- If a client is not satisfied or does not understand the decision a simplified procedure for the client to follow should be included in a written explanation. This simplified procedure should include a step-by-step process from the case manager to the case manager supervisor to the executive director, and as a last recourse, the contract manager. A written referral process for clients who are ineligible for HOPWA services should be developed and implemented.
- The HOPWA client should be provided a written explanation for denial; procedures for recourse if the decision is challenged and appropriate referral sources to other providers. It should be noted that complaints regarding the Project Sponsor and issues such as eligibility denials are not appropriate for the Ryan White Title II Consortium; these are contractual requirements and should be handled first by the Project Sponsor and with the assistance of the local department's contract manager.
- If client eligibility is pending the receipt of specific information by the case manager, the specific information and the source of authority should be cited in writing to the client.
- At the time of the initial application, the time frames for determining eligibility for HOPWA services should be explained to the client and included in the written procedures.
- In all cases, the Project Sponsor should attempt to resolve problems presented by the client.
- Complainants will have their grievances heard within five working days of receipt of the written complaint by the Project Sponsor.
- A record of all grievances shall be maintained for at least five years by the Project Sponsor. The grievance records shall be subject to Department of Health regulations concerning confidentiality of HIV records.
- No reprisals of any kind shall be taken by any party against any aggrieved person, any representative of an aggrieved person, or any other participant in the grievance process.

#### **6-4 Participant Rights and Responsibilities**

Project Sponsors and case management agencies must develop and post a client bill of rights in a conspicuous location in the agency. The client must be provided a copy of the bill of rights at the time of eligibility determination. (Refer to HOPWA Participant Rights and Responsibilities, Attachment 7.)

**6-5 Conflict of Interest**

To avoid situations that may be or appear to be a conflict of interest, the Department of Health supports the Code of Federal Regulations, section 574.625, which states that,

"No person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee or 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 an agreement with respect thereto, or the proceeds hereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter."

Additionally, any Project Sponsor or an employee, agent, consultant, officer, or elected or appointed official of the Project Sponsor who has or who obtains a financial interest in an entity related to the Department of Health shall disclose such fact(s) to the Bureau of HIV/AIDS within five (5) working days of the acquisition of such interest. Violation of any provision of this guideline shall constitute grounds for disciplinary action, termination of contract and/or recovery of all costs and fees related to this obligation. (Refer to Conflict of Interest, 24 CFR Part 574.625, References/Information Section I.)

**6-6 Non-Discrimination & Equal Opportunity**

The grantee and Project Sponsors must, within eligible populations, comply with the federal and state laws concerning non-discrimination on the basis of race, color, religion, sex, national origin, age, familial status and handicap including:

Fair housing requirements. (Fair Housing Act)

Discrimination on the basis of age or handicap. (Age Discrimination Act of 1975)

Employment Opportunities. (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects - Section 3 of the Housing and Urban Development Act of 1968)

Minority and women's business enterprises. (Executive Orders 11625, 12432, and 12138). Effort must be made to encourage the use of minority and women's business enterprises in connection with funded activities.

Affirmative outreach. Procedures must be adopted to ensure that all persons who qualify for assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or handicap, know of the availability of the HOPWA program, including facilities and services accessible to persons with a handicap, and maintain evidence of implementation of the procedures.

Disability requirements. There must be no discrimination against persons with AIDS or related diseases based on an additional handicap of such person in violation of the Fair Housing Act, Rehabilitation Act, and the Americans with Disabilities Act. Please refer to the Websites presented with this document for more information.

#### **6-7 Housing Needs Assessment Process**

The housing needs assessment must be coordinated with the Ryan White Title II Consortia and included in the Consortia planning, prioritization and resource allocation process.

#### **6-8 Co-Payments**

A co-payment is not required under the State HOPWA Program. However, Consortia have the option of continuing to collect a rent co-payment if they so desire. If a rental co-payment is required by the Consortia, a consumer should pay, as a maximum, the higher of:

- 30% of the family's monthly adjusted income; or
- 10% of the family's monthly gross income; or
- If receiving public assistance, the portion of payments designated from a public agency (adjusted in accordance with the family's actual housing costs). (Refer to Reference/Information Section: Annual Income/Allowances and Adjusted Income/Allowances for definition.)
- When already living in HUD housing, the client should first negotiate the co-payment with the landlord directly. In most instances, the landlord will be flexible. However, if there are extenuating circumstances and the need is well documented, the HOPWA

funds may be used to pay that portion. Each case should be evaluated on an individual basis.

**6-9 Assistance for Payments in Arrears**

Assistance may be provided for bills that pre-date a client's enrollment in the HOPWA Program (payment in arrears/back payments) to bring the client's bills to a current status. Each month of back payment shall be counted as one access of HOPWA assistance.

**6-10 Security Deposits**

Security deposits paid by HOPWA funds are to be paid back to the program unless there are exceptional circumstances. Project Sponsors may limit the number of security deposits paid for a client annually. (Security Deposit Agreement, Sample Attachment 12A and 12B.) The Project Sponsor shall establish procedures for the landlord or utility company to refund deposits directly to the HOPWA Program. Project Sponsors shall also establish written procedures to recoup security deposits that are not returned by the landlord or utility company to the program as a result of damages to property by the client or unpaid bills by the client.

**6-11 Fee Prohibition**

Clients provided services under the HOPWA contract are not to be charged fees for housing support services.

**6-12 Housing Resource Identification**

Housing resource identification, information, and referral services aid in locating and securing housing for HIV+ persons and is available to all individuals regardless of eligibility for further HOPWA funded services. State HOPWA funds may be used for housing resource identification to establish, coordinate and develop housing assistance resources for eligible persons (including conducting preliminary research and marketing necessary to determine the feasibility of specific housing related initiatives).

## **Section 7 PROJECT SPONSOR CONTRACTS**

### **7-1 Contract Information**

This section does not present all information required to complete the contracting process between the Department of Health and the Project Sponsor. Project Sponsors should consult with contract managers in each specific area for additional contract requirements.

- Project Sponsors will have a contract with the Department of Health according to the state's fiscal year, July 1 to June 30.
- Project Sponsors may receive up to three months advanced funds (first three months of the contract) based on anticipated cash needs and subject to approval by the department's contract manager during contract negotiations.
- Advanced payments are limited to not-for-profit contract providers.
- Payment will only be made for those allowable costs as stated in the annual contract budget which are in accordance with State HOPWA Guidelines and as approved by the contract manager.
- Case Management Allocation. Project Sponsors may use up to 20% of the contract amount allocated for direct care (housing) services for case management associated directly with housing.
- Project Sponsor Administrative Costs Allocation. Project Sponsors may use up to 7% of their total contract allocation for administrative expenses. The costs of staff that carry out direct care assistance with clients, such as counseling, services, housing maintenance, etc. are direct costs of that activity and are not to be counted under the limits on administrative costs.

### **7-2 Contract Monitoring Requirements**

Programmatic monitoring of the Project Sponsor's HOPWA contract is to be performed annually by the Department of Health contract manager to ensure compliance with the terms of the contract. The contract manager will complete a programmatic monitoring report and include a corrective action plan with timelines for the Project Sponsor to correct

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deficiencies, as appropriate. The Bureau of HIV/AIDS staff may participate in the monitoring activities to ensure all of the terms of the contract are being properly executed. The monitoring will provide an opportunity for verbal and written technical assistance to ensure compliance with state and federal requirements of the HOPWA Program by Project Sponsors.

The Project Sponsor is responsible for monitoring all subcontractors.

**Section 8 PROJECT SPONSOR REPORTING**

The HOPWA reporting cycle will correspond to that of the state fiscal year, July 1 to June 30.

**8-1 HOPWA Annual Progress Report (APR)**

This report is a U.S. Department of Housing and Urban Development (HUD) requirement. This report captures information on all persons who receive housing assistance, including the number of adults and children with HIV/AIDS and their family (i.e., the client and other persons in the household). Project Sponsors must collect data and submit the HOPWA Annual Progress Report, in the approved format, to the Department of Health, Bureau of HIV/AIDS, Patient Care Resources Section, Reporting and Information Systems Unit no later than 45 days after the end of the fiscal year, or August 15. The consolidated APR for HOPWA is submitted by the Department of Health to the federal Department of Housing and Urban Development (HUD) no later than ninety days after the end of the state fiscal year. (Refer to APR approved Format and Instructions, References/Information Section J.) Additional requirements regarding the APR may be stated in the annual contract between the department and the provider (Project Sponsor).

**8-2 HOPWA Quarterly Demographics Report**

This report is a DOH, Bureau of HIV/AIDS requirement. This report captures, on a quarterly basis, information on only the number of persons with HIV/AIDS receiving housing assistance. Project Sponsors must collect data and submit the Quarterly Demographics Report to their Department of Health contract manager by the 10<sup>th</sup> day of the month following the end of each quarter. Contract managers should forward reports to the Bureau of HIV/AIDS, Patient Care Resources Section, Reporting and Information Systems Unit by the 20<sup>th</sup> day of the month following the end of each quarter as indicated below:

<u>Quarter</u>	<u>Due Date</u>
July 1 - September 30	20 <sup>th</sup> of October
October 1 - December 31	20 <sup>th</sup> of January
January 1 - March 31	20 <sup>th</sup> of April
April 1 - June 30	20 <sup>th</sup> of July

This requirement will be stated in the annual contract between the department and the provider (Project Sponsor) including the report format and instructions. (Refer to Example Quarterly Report Format and Instructions, References/Information Section K.)

**8-3 HOPWA Client Satisfaction Survey Summary Report**

Project Sponsors must implement a client satisfaction survey and submit a written summary of the survey results to their Department of Health contract manager no later than February 15 of each contract year. The contract manager will forward a copy of the summary to the Bureau of HIV/AIDS, Patient Care Resources Section, Reporting and Information Systems Unit within thirty (30) days of receipt of the summary from the Project Sponsor. The survey instrument will be developed at the local level.

**8-4 HOPWA Monthly Expenditure and Reimbursement Report**

Project Sponsors must collect data and submit the Monthly Expenditure and Reimbursement Reports to their Department of Health contact manager by the 10<sup>th</sup> of each month following the end of the month being reported. Contract managers will forward the report to the Bureau of HIV/AIDS, Patient Care Resources Section, Reporting and Information Systems Unit by the 20<sup>th</sup> of each month. This requirement will be stated in the annual contract between the department and the provider (Project Sponsor) including the report format and instructions. (Refer to Example Monthly Expenditure and Reimbursement Report Format, References/Information Section L.)

**8-5 Report Due Dates**

Unless otherwise approved in the annual contract between the Department of Health and the provider (Project Sponsor), the provider and the contract manager are to comply with reporting due dates started in Sections 8-1 through 8-4.

**Section 9 ATTACHMENTS**

*The following Attachments are referenced in the text of this document:*

Housing Opportunities Program Checklist ----- 1  
Client Needs Assessment for HOPWA Assistance ----- 2  
HOPWA Client Ranking System Form ----- 3  
HOPWA Worksheet for Calculating Maximum Subsidy ----- 4  
Housing Opportunities Program Consent to Release Information ----- 5  
HOPWA Participation Agreement (Sample Form) ----- 6  
HOPWA Participant Rights and Responsibilities ----- 7  
HOPWA Application Form for Housing Assistance ----- 8  
Classification of HIV Disease Status Form ----- 9  
Verification of No Income (Sample Form) ----- 10  
Verification of Utility Bills for HOPWA Assistance (Sample) ----- 11  
Security Deposit Agreement (Sample Form) ----- 12A  
Client Agreement for Return of Security Deposit (Sample Form) ----- 12B  
Housing Plan of Care (Goals Progress Report) Form ----- 13  
Client Budget Worksheet Form ----- 14  
Landlord/Mortgage Holder Agreement (Sample Form) ----- 15  
Memorandum of Understanding  
    Confidentiality of Client Information (Sample) ----- 16

**Section 10      REFERENCES/INFORMATION**

- A. Income Limits for the Public Housing & Section 8 Programs (pg 8, 10)
- B. Annual Income/Allowances (pg 8)
- C. Adjusted Income/Allowances (pg 8, 12)
- D. Rent Limits, HOME Program (pg 19)
- E. Waiver of the 21-Week Time Limitation for Rent, Mortgage and Utility Assistance Examples of Justification) (pg 22)
- F. Summary of HUD Planning Requirements for State and EMSA "City" HOPWA (pg 5)
- G. Example Policy and Procedures for Dismissal of Clients (pg 25)
- H. Example Grievance Policy and Procedures (pg 28)
- I. 24 CFR Part 574, Housing Opportunities for Persons with AIDS (pg 21, 30)
- J. APR Approved Format (pg 35)
- K. Quarterly Report Format and Instructions (pg 35)
- L. HOPWA Monthly Expenditure and Reimbursement Report (pg 36)
- M. HAB Policy Notice 99-02 (pg 2)