

STATE HOPWA PROGRAM OVERVIEW

AREA 8-SPECIFIC IMPLEMENTATION POLICIES

State HOPWA Program

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. (Section 1-3 p. 2)

Funding Allocation

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. (Section 1-7 p. 6).

Client Eligibility

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;
- ▶ must have a documented income that does not exceed 80% of the median income for the area; and
- ▶ must have a documented HIV-related need for housing assistance

(Section 3-2 p.9)

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. (Section 3-5 p. 12-13).

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.

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- ▶ 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.

(Section 3-5 p. 12-13)

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.

(Section 3-5 p. 13)

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. 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. (Section 3-6 p.14-15)

Services

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 HOWPA Program:

- ▶ 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)

(Section 4 p. 16)

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

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CFR Part 574, References/Information Section I.) HOPWA funds are provided to prevent homelessness and assist those clients who have an HIV-related need. (Section 4-4 p. 21)

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. (Section 4-4 p.21)

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. (Section 4-4 p. 21)

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.
- 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 4-6 p. 23-24)

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AREA 8 Specific Implementation Policies:

The State of Florida HOPWA guidelines and manual overrides all locally developed policies or procedures. In the event funding is limited and scarce, the Lead Agency may institute rules that are more restrictive, but at no time be more lenient than the State HOPWA guidelines.

- ▶ Clarification: In the case management contract(s), it states a person must be symptomatic to receive assistance. In the manual, there is no such requirement. Therefore, clients do not have to be symptomatic to receive assistance.
- ▶ Assistance is limited to 21 weeks in any 52-week period. 21 weeks are counted as 147 days.
- ▶ "Any 52-week period" is defined as 52 weeks from the date of first assistance provided ("Anniversary Date"). If a client comes in March 20 for assistance in paying his/her overdue rent from February, the Anniversary Date is March 20. The client receives 28 days of assistance as of March 20.
- ▶ Rental Security deposits are paid once per client and are not counted as "days" if the landlord signs the agreement stating the deposit will be refunded to the Lead Agency. If the landlord does not sign, or states the deposit will be applied to the last month of rent, the client is charged the appropriate number of days.
- ▶ Clients whose rental company require a "first and last" will be charged days for the "first" and 30 for "last". That money is considered assistance provided at that time for future days. However, since no one has a way to determine when those days will be used, they are assessed at the time assistance is provided. For example, a client moves to more affordable housing but needs assistance with a refundable security deposit and first and last months rent. He requests assistance April 14 for May 1 move in date. Payment is made for the security deposit and two months of rent. The client is "charged" 61 days on April 14 (May has 31 days and last month is charged 30). If the landlord does not agree to return the deposit, the client is charged 91 days on April 14.
- ▶ Utility deposits are paid with no days assigned if the company signs the agreement and agrees to return the deposit to the Lead Agency. If the company policy is to apply the deposit to the final bill, the client will be charged 30 days for the deposit.
- ▶ Verification of HIV-related need where the need is based on a client's inability to work or work full time due to the HIV condition may include a written statement from the medical provider stating the client cannot work (or work full time) due to his/her HIV condition. A physician does not have to verify the client is "incapacitated".
- ▶ A client with HIV on disability (for any reason) is not automatically provided assistance. The HIV-related need still needs to be documented. Reduced income due to disability is not "HIV-related need". As stated under "Examples of HIV-related Need", clients with diminished income due to HIV can be assisted to find affordable housing. However, the intent of the housing plan of care and other items in the guidelines indicate HOPWA is not intended as planned supplemental income for persons with HIV on SSD/SSI. Clients using HOPWA annually should be working towards the primary goal stated in the guidelines: to achieve independence from HOPWA and live within their financial means.
- ▶ Exceptions for HOPWA (i.e. clients having used up all their "days") may request assistance through an Exception Request. Requests must be for allowable services. All Exception Requests should be submitted to the Lead Agency who will forward them to the Contract Manager.