



City of Providence
Housing Opportunities for Persons with AIDS
Project Sponsor Manual
2025

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Housing Opportunities for Persons with AIDS (HOPWA)

I. Overview

The HOPWA program, funded by the Federal Department of Housing and Urban Development (HUD), provides states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low-income persons living with HIV/AIDS (PLWHA) and their families. The program authorizes formula grants and competitively awarded grants for housing assistance and supportive services. In the City of Providence, the formula program is administered by the Department of Housing and Human Services (HHS) Office of Housing and Community Development. The City is the “grantee” of the funds and awards funds to “project sponsors”, non-profit organizations based on the needs and priorities outlined in the City’s Consolidated Plan. The Consolidated Plan is required by HUD and establishes priorities, goals and strategies to address local housing and community development needs. As determined by HUD, the Eligible Metropolitan Statistical Area (EMSA).

The goal of the program is to assist clients in achieving and maintaining housing stability to avoid homelessness and improve access to HIV care and treatment. Optimally, the HOPWA program will act as a bridge to long-term mainstream housing services or to self-sufficiency for those whose health and financial circumstances allow

them to maintain housing without financial assistance. The HOPWA program in the City of Providence EMSA has supported a variety of projects that include: tenant-based rental assistance (TBRA) for low income households; substance abuse recovery supportive housing and services; permanent housing facilities, both in stand-alone facilities and scattered site (some for frail individuals); Permanent Housing Placement service (security/utility deposits and/or first month's rent); Short-term assistance for Rent, Mortgages, and Utilities to prevent homelessness (STRMU); home delivered meals for people living with symptomatic HIV/AIDS; donated furniture for those moving into housing; and legal services to assist with access to housing, employment, and public benefits. These services comprise a comprehensive HOPWA system of care where consumers can move from homelessness and emergency assistance along a continuum to permanent housing, with supportive services offered at each step along the way.

II. Program Rules

The HOPWA rules in 24 Code of Federal Regulation (CFR) §574 provide general standards for eligible activities such as determining program eligibility, housing quality standards, and standards regarding household rent payments as provided under the United States Housing Act of 1937. Standards for shared housing are referenced in 24 CFR §982.615 – §982.618. Other applicable CFRs include, but are not limited to:

- **2 CFR §200** are the regulations for uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.
- **24 CFR §5.609** are the HUD regulations defining the elements of household annual gross income that must be counted in determining income eligibility for the HOPWA program.
- **24 CFR §5.611** are the HUD regulations defining deductions from a household's annual gross income that can be claimed in determining a rental assistance subsidy.
- **24 CFR §5.617** are the HUD regulations requiring a disallowance of earned income by persons with disabilities residing in TBRA- or TSH-assisted units upon returning to work after certain conditions have been met.
- **24 CFR §5, Subpart L** are the HUD regulations for the Violence Against Women Act (VAWA), which provides protections for survivors of domestic violence, dating violence, sexual assault, or stalking.
- **24 CFR §574.430** are HOPWA regulations prohibiting fees. Other than rent, Project Sponsors cannot charge any fees to households to pay for program operations or supportive services.
- **24 CFR §574.510, §50, and §58** are regulations for environmental standards and procedures. Per 24 CFR §574.510, all program activities are subject to HUD environmental regulations in 24 CFR §50 and §58. CITY OF PROVIDENCE, Project Sponsors, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under §574, or commit or expend HUD or local funds for such eligible activities under §574, until the responsible entity (as defined in §58.2) has completed the environmental review procedures required by §58 and the Request for Release of Funds (RROF) and Certification have been approved. HUD will not release grant funds if CITY OF PROVIDENCE commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before a Project Sponsor submits and HUD approves its RROF (where such submission is required). Project Sponsors must supply all available, relevant information necessary for the responsible entity to perform for each property any environmental review required by §574.510. Project Sponsors must also carry out mitigating measures required by the responsible entity or select alternate eligible property.
- **24 CFR §574.530** are HOPWA record keeping requirements.
- **24 CFR §574.635 and §35** are regulations for Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846) and lead-based paint poisoning notification requirements.
- **24 CFR §574.625** relates to conflicts of interest. In addition to the conflict of interest requirements in 2 CFR §200.317 (for recipients and subrecipients that are States) and 2 CFR §200.318 through §200.326 (for recipients and subrecipients that are not States), no person who is an employee, agent, consultant, officer, or

elected or appointed official of CITY OF PROVIDENCE 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 agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter. Project Sponsors should have policies in place that identify and handle real or potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. HUD requires such a policy, which are often part of an organization's "code of conduct" for board, staff, and volunteers. It is advisable to have a copy signed by all members listed above on an annual basis.

- **Section 31** of the Federal Fire Prevention and Control Act of 1974 relates to Smoke alarm requirements.

III. Program Definitions

- **Acquired Immunodeficiency Syndrome (AIDS)**

A medical diagnosis requiring a positive HIV test and a CD4+ cell count below 200 cells per microliter OR CD4+ cells account for fewer than 14 percent of all lymphocytes OR a diagnosis of one or more of the AIDS-defining illnesses.

- **Administrative Costs**

Costs for general management, oversight, coordination, evaluation, and reporting. By statute, grantee administrative costs are limited to 3 percent (3%) of total grant award, to be expended over the life of the grant. Project sponsor administrative costs are limited to 7 percent (7%) of the portion of the grant amount they receive

- **Beneficiary(ies)**

All members of a household who received HOPWA assistance during the operating year including the one individual who qualified the household for HOPWA assistance as well as any other members of the household (with or without HIV) who benefitted from the assistance.

- **Chronically Homeless Person**

Per 24 CFR §578.3, a chronically homeless person is:

(1) An individual who: (i) Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and (ii) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years; and (iii) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 USC 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability; (2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or (3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

- **Disabling Condition**

Evidencing a diagnosable substance use disorder, serious mental illness, developmental disability, chronic physical illness, or disability, including the co-occurrence of two or more of these conditions. In addition, a disabling condition may limit an individual's ability to work or perform one or more activities of daily living. An HIV/AIDS diagnosis is considered a disabling condition.

- **Eligible Individual**

The one low-income person with HIV/AIDS who qualifies a household for HOPWA assistance. This person may be considered “Head of Household.” When the APR or CAPER asks for information on eligible individuals, report only this individual person. Where there is more than one person living with HIV (PLWH) in the household, the additional PLWH(s), would be considered a beneficiary(ies).

- **Facility-Based Housing Assistance (FBHA)**

All eligible HOPWA housing assistance expenditures for or associated with supportive housing facilities including community residences, single-room occupancy (SRO) dwellings, short-term facilities, project-based rental assistance units, master leased units, and other housing facilities approved by HUD.

- **Facility-Based Rental Assistance (FBRA) Services**

A rental assistance service like public housing that helps low-income households access affordable housing (see “Rental Assistance”). Unlike tenant-based rental assistance, the rental assistance subsidy is attached to a specific building or unit. If the Project Sponsor owns the facility, the rental assistance is classified as project-based rental assistance (PBRA). If the Project Sponsor leases the facility, the rental assistance is classified as master leasing.

- **Family**

Per 24 CFR §574.3, the program defines family as it is defined in 24 CFR §5.403. Family, as defined in 24 CFR §5.403 includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- A group of persons residing together, and such group includes, but is not limited to:
 - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - An elderly family;
 - A near-elderly family;
 - A disabled family;
 - A displaced family; and
 - The remaining member of a tenant family.

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

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

- **Gross Rent**

The sum of combined rent and utilities costs. For rental assistance services, the gross rent of the proposed unit, including appropriate utility allowances) must be at or below the lower of the rent standard or the reasonable rent.

- **Household**

A single person or a group of persons residing together. See “Family.” Any group of people that present together for assistance and identify themselves as a household – regardless of relationship, age, disability, or other factors – are a household and must be served together as such. The term is used for collecting data on changes in eligibility, changes in access to services, and outcomes on achieving housing stability. Live-In Aides (see “Live-In Aide”) and non-beneficiaries (e.g., a shared housing arrangement with a roommate) who resided in the unit are not included in the household.

- **Housing Information Services**

Counseling, information, and referral services dedicated to assisting PLWH and their households locate, acquire, finance, and maintain housing. This may also include fair housing counseling for eligible households that may encounter discrimination based on race, color, religion, sex, age, national origin, familial status, or handicap.

- **Housing Stability**

The degree to which the HOPWA assisted beneficiaries remain in stable housing during the operating year. See service outcome categories for TBRA, STRMU, FBHA, and Supportive Services in Section 14. Housing Assistance and Supportive Services.

- **Human Immunodeficiency Virus (HIV)**

An infection caused by a virus that infects the body and destroys portions of the immune system and is documented by a positive serologic test.

- **In-Kind Leveraged Resources**

These involve additional types of support provided to assist HOPWA beneficiaries such as volunteer services, materials, use of equipment and building space. The actual value of the support can be the contribution of professional services, based on customary rates for this specialized support, or actual costs contributed from other leveraged resources. In determining a rate for the contribution of volunteer time and services, use the rate established in HUD notices, such as the rate of ten dollars per hour. The value of any donated material, equipment, building, or lease should be based on the fair market value at time of donation. Related documentation can be from recent bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated.

- **Leveraged Funds**

The amount of funds expended during the operating year from non-HOPWA federal, state, local, and private sources by Project Sponsors in dedicating assistance to eligible households. Leveraged funds or other assistance are used directly in or in support of HOPWA program delivery.

- **Live-In Aide**

A person who resides with the HOPWA Eligible Individual and who meets the following criteria: (1) is essential to the care and welfare of the person; (2) is not obligated for the support of the person; and (3) would not be living in the unit except to provide the necessary supportive services. Live-In Aides are not considered household members.

- **Master Leasing**

Applies to Project Sponsors that lease units (site or scattered site) from an owner and sublease the units to clients. Project Sponsors facilitate housing by assuming the tenancy burden for households that may not be able to obtain a lease on their own due to poor credit, evictions, or lack of income. Assistance is not portable or transferable.

- **Operating Costs**

Applies to facility-based housing that is owned by the Project Sponsor and currently open. Operating costs include day-to-day housing function and operation costs like maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and salary for staff costs directly related to the facility, but not staff costs for delivering services.

- **Outcome**

The degree to which the HOPWA assisted household has been enabled to establish or maintain a stable living environment in housing that is safe, decent, and sanitary and to reduce the risks of homelessness, and improve access to HIV treatment and other health care and support.

- **Output**

The number of households that receive HOPWA assistance during the operating year.

- **Permanent Housing Placement (PHP) Services**

A supportive housing assistance service that helps establish the household in the housing unit, including but not limited to reasonable costs for security and utility deposits not to exceed two months of rent costs.

- **Program Income**

Gross income directly generated from the use of HOPWA funds, including repayments.

- **Project-Based Rental Assistance (PBRA) Services**

A facility-based rental assistance service that is tied to units (site or scattered site) owned or controlled by a Project Sponsor. Assistance is not portable or transferable.

- **Project Sponsor**

Any nonprofit organization or governmental housing agency that receives funds under a contract with the grantee to provide eligible housing and other support services or administrative services as defined in 24 CFR §574.300. Project Sponsors are required to provide performance data on households served and funds expended. Funding flows to a Project Sponsor as follows:

- **Rental Assistance**

A housing assistance service that subsidizes the rent of a household, including assistance for shared housing arrangements. The subsidy amount is determined in part based on household income and rental costs associated with the household's lease. HOPWA rental assistance can be tenant-based (see "Tenant-Based Rental Assistance Services") or facility-based (see "Facility-Based Rental Assistance Services"). All rental assistance services are subject to the following components:

- Housing Quality Standards Certification;
- Rent Standard and Rent Reasonableness Certification; and
- Rental Assistance Calculation.

Depending on local needs, rental assistance may be designed as transitional or permanent and include time limits. If a Project Sponsor establishes a time limit for rental assistance, they must collaborate with the CITY OF PROVIDENCE to develop a local program policy that clearly defines the length of time households may receive rental assistance and include a protocol for notifying households about local time limits.

- **Roommate**

A roommate relationship (i.e., a shared housing arrangement) is established for the purposes of sharing rent and utility bills in return for receiving a share of the space available. Roommates are not considered household members as they are households unto themselves. The household must identify whether an individual is a household member or a roommate at the time of application and at any subsequent renewals.

- **Short-Term Rent, Mortgage, and Utility (STRMU) Services**

Time-limited housing assistance designed to prevent homelessness and increase housing stability. Project Sponsors may aid with up to 21 weeks in any 52-week period. The amount of assistance varies per household depending on funds available, need, and program guidelines.

- **Short-Term Supportive Housing (STSH) Services**

A type of facility-based housing assistance that provides temporary shelter to eligible households that are homeless. Services allow for an opportunity to develop an individualized housing plan to guide the household's linkage to permanent housing. Project Sponsors may provide assistance for up to 60 days in any six-month period. The amount of assistance varies per household depending on funds available, need, and program guidelines.

- **Supportive Services**

Supportive services include but are not limited to, mental health treatment, drug and alcohol abuse treatment, day care, nutritional services, assistance in gaining access to local, State, and Federal government benefits

and services. Supportive Services may be provided in conjunction with HOPWA housing assistance or as a standalone service (Supportive Services Only).

- **Tenant-Based Rental Assistance (TBRA) Services**

A rental assistance service like the Housing Choice Voucher program that helps low-income households access affordable housing (see “Rental Assistance”). Unlike facility-based rental assistance, services are not tied to a specific unit, so households may move to a different unit without losing their assistance, subject to individual program rules.

- **Transgender**

Transgender is defined as a person who identifies with, or presents as, a gender that is different from the gender assigned to them at birth.

- **Transitional Supportive Housing (TSH) Services**

A type of facility-based housing assistance that provides up to 24 cumulative months of rental assistance to eligible households that are homeless or at risk of homelessness. Services allow for an opportunity to move households to permanent housing. The subsidy amount is determined in part based on household income and rental costs associated with the household’s lease.

- **Veteran**

A veteran is someone who has served on active duty in the Armed Forces of the United States. This does not include inactive military reserves or the National Guard unless the person was called to active duty.

IV. Project Sponsor Roles and Responsibilities

- Project Sponsors must comply with all federal and state regulations, policies, standards, and guidelines as specified in the contract and this manual.
- Project Sponsors must manage program funds in compliance with HUD and City of Providence regulations and charge costs to the appropriate contract (costs incurred in one contract year cannot be paid with funds from a different contract year). Current and historical spending data should be used for service planning purposes. Throughout the program year, Project Sponsors should monitor expenditures to assure funds are available and not depleted prematurely. For example, service allocations could be divided monthly (1/12). In this way, Project Sponsors could determine the balance of available funds based on over- or under-spending in a given month and adjust current spending accordingly.
- Project Sponsors must ensure administrative costs, including non-service and indirect costs, do not exceed seven percent (7%) of their total program allocation.
- Project Sponsors must implement the program efficiently, effectively, and properly in the EMSA.
- Project sponsors are required to have at least 1 employee complete the HUD Financial Management Training and will renew their certification annually by achieving an eighty percent (80%) passage rate. Once completed project sponsors will forward certificates of completion to the Office of Grants Managements.
- Project sponsors expending \$750,000.00 or more in Federal awards (from all Federal sources) in a fiscal year must have a Single Audit completed within 9 months from the end of the fiscal year. Project sponsors must submit their Single Audit to the Federal Audit Clearinghouse (FAC) and the Office of Human Services. When submitting the Single Audit to the Office of Human Services project sponsors must include their submission confirmation from the Federal Audit Clearinghouse.
- Project sponsors must be registered with the Systems for Award Management (SAM.GOV) Eligibility is determined by verification of applicant's current registration.
- Project sponsors must monthly Quarterly Reports to the Grant Project Coordinator.
- **NOTE: CITY OF PROVIDENCE Project Sponsors cannot pay clients directly.**

V. Eligible HOPWA Funding Activities

A. Facility-Based Housing Assistance (FBHA)

Facility-Based Housing is provided when a project sponsor owns or leases a facility (facilities) to provide housing for PLWHA. It can also include scattered site housing. This activity is also called Master Leasing. If leasing, the project sponsor pays the landlord the agreed upon rent and the tenant pays his/her share of the rent directly to the project sponsor. Eligible HOPWA activities for funding in facility-based projects are general housing operations such as maintenance, security, insurance, utilities, furnishing, equipment, supplies, etc. Facility based housing requires a blended management approach, integrating housing management with the provision of supportive services. Supportive services in facility-based housing can be provided through that eligible HOPWA activity. Generally, FBHA is separated into three supportive housing categories for populations with special needs:

- Short-Term Supportive Housing (STSH)
- Transitional Supportive Housing (TSH)
- Permanent Supportive Housing (PSH)

Recipients of HOPWA housing assistance are required by statute to pay a portion of their income toward their housing expense. They must pay as rent, including utilities, an amount which is the higher of: 30% of the family's adjusted income or 10% of the family's monthly gross income. Also, HQS standards apply to facility-based housing.

HUD now considers Short-Term Supportive Housing a type of Facility-Based Housing. Short-term supportive housing can be provided in housing facilities that provide temporary shelter. The assistance is limited to 60 days in a 6 month period; however, the 60 days do not have to be consecutive. Such facilities may not provide housing for more than 50 individuals at a site on a daily basis. To the extent possible, such facilities must provide clients with case management, support services and assistance with future housing.

Transitional Supportive Housing has a time-limit of 24 months.

HOPWA funds may also be used to pay for short-term emergency hotel/motel vouchers, again not to exceed 60 days in a 6 month period. All short-term housing assistance must provide services designed to stabilize homeless persons.

B. Facility-Based Housing Development

HOPWA funding can support costs associated with the acquisition, rehabilitation, conversion or repair of facilities to provide housing for HOPWA-eligible households. If rehabilitation is undertaken, the repairs must bring the facility up to HOPWA housing quality standards. There are regulations regarding the number of years the facility must be maintained as HOPWA housing. For acquisition or substantial rehabilitation, the minimum use period is 10 years. HUD defines substantial rehabilitation as rehabilitation that involves costs that are more than 75% of the value of the building after rehabilitation. For non-substantial rehabilitation and repairs, the minimum use period is 3 years. Non-substantial means rehabilitation that involves costs that are less than or equal to 75% of the value of the building after rehabilitation.

HOPWA funding can also be used for costs related to new construction of community residences and single room occupancy (SRO) dwellings. See the definitions of these facilities below. The minimum use period for new construction is also 10 years.

- **Community Residence** – A multi-unit residence designed for eligible persons to provide a lower cost residential alternative to institutional care.
- **SRO** – A residential property that includes single-room dwelling units for one person. SRO units typically include space for sharing food preparation and restrooms.

C. Housing Information Services

HOPWA funding may provide information and referral services to assist eligible persons with locating, acquiring, financing, and maintaining housing and is considered a supportive service.

D. Permanent Housing Placement

The goal of Permanent Housing Placement assistance is to help establish permanent residency when continued occupancy is expected. Permanent Housing Placement funds may not exceed two months of rent payments.

Eligible expenses for Permanent Housing Placement include costs associated with locating housing such as housing referrals and tenant counseling regarding understanding leases and their obligations. Costs associated with placement in housing are also eligible – application fees and credit check expenses, first month's rent and security deposits (not to exceed two months' rent) and one-time utility connection fees and processing costs.

Security deposits are program funds that **must** be returned to the program when the assisted tenant leaves the unit. If a program chooses to provide security deposits, it must maintain a record of all security deposits. A good faith effort must be made to recover program funds upon the departure of the tenant from the unit. Note that if first month's rent is provided, it is not necessary to recover that assistance. Project sponsors may place additional monetary restrictions on Permanent Housing Assistance.

Ineligible expenses include moving costs, standard furnishings and housekeeping supplies.

E. Supportive Services

Both the AIDS Housing Opportunity Act and HOPWA program regulations allow HOPWA project sponsors to include supportive services in their housing-related projects, subject to some limitations. A key HOPWA outcome measure in annual performance reports is improved access to care and support.

The range of services that are eligible as activities under the HOPWA program is broad. Program regulations at 24 CFR 574.300(b)(7) include, but are not limited to the following types of supportive service activities:

- Health
- Mental Health
- Assessment
- Permanent Housing Placement
- Drug and Alcohol Abuse Treatment and Counseling
- Day care
- Personal assistance
- Nutritional services
- Intensive care when required
- Assistance in gaining access to local, State, and Federal government benefits and services.
- Life skills management
- Outreach
- Legal
- Employment assistance
- Transportation (includes public transportation vouchers for medical appointments but would not include payments for the repair of a participant's vehicle)

Project sponsors must report at the end of the year the following:

- The number of eligible households that received the specific service
- The amount the sponsor spent on the category
- The value of other non-HOPWA funds brought into the project (leveraged) for the activity

F. Resource Identification

HOPWA funding may provide activities to identify, coordinate and develop housing assistance resources for eligible persons. Stringent requirements, including HUD approval, are required to be eligible for this activity.

G. Short-Term Rent, Mortgage, and Utility Assistance (STRMU)

1. Purpose

STRMU provides time-limited housing assistance designed to prevent homelessness and increase housing stability. STRMU is a stabilizing intervention for households experiencing a financial crisis because of their HIV health condition or a change in their economic circumstances. STRMU assistance is limited to 21 weeks in each calendar year.

Individual housing and services plans include an assessment of the household's current resources and establishment of longer-term goals for the assisted household. These plans also serve as documentation that grantees and project sponsors have met the requirement for on-going assessments of housing assistance and supportive services, as required under 24 CFR §574.500.

2. **Eligible Costs**

STRMU pays rental, mortgage, and utility debts and dues. STRMU can pay late fees and other penalties if, in the event of nonpayment, the household would be at risk of eviction or loss of housing. Unlike TBRA, PSH and TSH services, the amount of assistance provided is not limited to the lower of the rent standard or reasonable rent for the unit and households are not required to pay a portion of their income toward the rent or mortgage payment. However, if they are able, households should pay a portion of their housing costs as any portion paid by the household does not count against the 21-week STRMU benefit ceiling.

3. **Ineligible Costs**

STRMU cannot be provided to households receiving rental assistance for the same period from HOPWA or another federal, state, or local housing assistance program. For example, STRMU cannot pay the portion of rent that a household is responsible for if they are enrolled in the Housing Choice Voucher Program or receiving another type of rental assistance.

STRMU is established in statute to prevent a household from becoming homeless and, therefore, can only be used to prevent eviction from or the loss of a housing unit that is occupied by qualified persons. Accordingly, STRMU can only be used to assist someone currently in housing as an intervention to prevent homelessness. STRMU assistance cannot be provided to a household that is homeless. STRMU may not be provided to assist households in moving into a new housing arrangement. STRMU may not be used for moving assistance, security and utility deposits, or first month's rent.

In addition, STRMU mortgage assistance may not be used for the following activities: Support for an open line of credit or loan that was secured by the house; taxes and insurance paid separately after the first or second mortgage is paid in full; assistance for payment towards personal loans or credit debts secured against the unit; assistance for a second mortgage when the first mortgage payments are not current; or down-payment assistance to support purchase of new unit.

Furthermore, the costs of household supplies, furnishings, automobile/transportation repairs, and basic phone services are not eligible under STRMU.

NOTE: Households cannot receive TBRA, STRMU, or FBHA services at the same time (I.e. TBRA, STRMU, and FBHA service periods may not overlap).

4. **Housing Status**

Households must present evidence of residing in housing where they are either a tenant or mortgagor. STRMU is designed to help renters and homeowners remain in their current residence. As such, STRMU may not be provided to assist homeless households or households moving into new housing arrangements.

A. Rent

To receive STRMU rental assistance, households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant. As a general matter, if the eligible individual is not named on a valid lease either as a tenant or an occupant, the individual has no legal right to reside in the unit and is therefore unqualified for STRMU rental assistance.

B. Mortgage

To receive STRMU mortgage assistance, households must demonstrate that they are the resident owner of mortgaged real property. Satisfactory evidence of ownership of encumbered property includes: A deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible individual or other household member as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the eligible individual or other household member as the property owner/debtor. Project Sponsors should complete a careful assessment and an individual housing and services plan to determine that a household is able to maintain payments on mortgages after the period of assistance ends.

For STRMU, to the extent that taxes, insurance, condominium fees, or other building operation costs are included in the monthly mortgage payment either by federal regulation or the terms of the mortgage, these expenses may be included in STRMU mortgage assistance payments. STRMU mortgage assistance for taxes, insurance, or condo fees that are not included on the monthly mortgage statement may not be paid.

C. Utilities

To receive STRMU utility assistance, a household must present evidence of residing in the private unassisted unit legally and a household member must have an account in their name with a utility company. Individuals who have prior criminal histories, poor credit, or lack of rental history often do not have utility accounts in their name; however, they may be responsible for paying these housing expenses. Such households must demonstrate proof of responsibility to make such payments by documenting a history of making payments and should not be excluded from receiving STRMU utility assistance based on the utility account not being in their name.

5. Evidence of Need

STRMU is needs-based and intended to benefit HOPWA-eligible households that are experiencing a financial crisis arising from their HIV health condition or a change in economic circumstances. To qualify for STRMU, households must provide proof of a recent short-term emergency that jeopardizes housing stability. Additionally, households must demonstrate that they do not have the resources to meet their rent, mortgage, or utility costs and that they would be at risk of homelessness in the absence of STRMU. When a household is unable to make payments for monthly housing costs, STRMU may be used for costs that cannot be paid or reimbursed by other available resources. Project Sponsors must assess that the household's needs are for actual costs, that other resources such as household income are not reasonably available to pay the housing costs, and that STRMU will alleviate the payment delinquency to avoid homelessness and result in, at least, temporary stability for that household. Project Sponsors should also ensure that the household's on-going housing needs are assessed in connection with the development of an individual housing and services plan for the household.

Project Sponsors should establish a reasonable basis to quantify and verify the need for STRMU services. Also, Project Sponsors should be able to describe the unforeseen emergency and explain how it prevents or will prevent the household from paying housing costs.

6. Amount of Assistance

Although STRMU does not require the household to pay a portion of their housing costs, assistance must not be used to relieve the household's responsibility to make housing payments in the absence of inability to pay. If a household can pay some of their rent, mortgage, and/or utility costs, Project Sponsors may negotiate an appropriate household contribution amount. Such determinations limit

STRMU assistance to the difference between the amounts due and the amount the household can pay. Project Sponsors should document any payments or contributions made by a household towards their rent, mortgage, and/or utility costs. This ensures that the full amount due is paid and avoids partial payments that may lead to evictions or utility cut-offs.

H. Tenant- Based Rental Assistance (TBRA)

1. Purpose

TBRA is a rental subsidy used to help households obtain or maintain permanent housing, including assistance for shared housing arrangements, in the private rental housing market until they can enroll in other affordable housing programs. The household selects a housing unit of their choice. If the household moves out of the unit, payments to the owner will end and the household can move with continued assistance to another unit. In other words, TBRA is portable and moves with the household.

2. Eligible Costs

TBRA only pays current rental costs. In rare circumstances, TBRA can pay current utilities in the form of a utility reimbursement paid directly to a utility vendor.

3. Ineligible Costs

TBRA cannot pay rental or utility debts, late or reconnect fees, or mortgages. Per 24 CFR §574.320(a)(1), TBRA cannot pay costs that exceed the “maximum subsidy”. TBRA cannot pay initial move-in costs (e.g., application and administrative fees, security and utility deposits, etc.). However, initial move-in costs can be paid using PHP services.

4. Housing Status

Households must present evidence of tenancy in the private unassisted housing market. TBRA is designed to alleviate the rent burden of low-income households. As such, TBRA may not be used to assist mortgagors, homeless households.

- a. **Rent** – To receive TBRA services, households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant.
- b. **Utilities** - In the event a household receiving TBRA services qualifies for a utility reimbursement, the difference must be paid to the utility vendor. Failure to provide a reimbursement of this amount would violate the requirement of 24 CFR §574.310(d). To receive a utility reimbursement, a household member must have an account in their name with a utility company. Individuals who have prior criminal histories, poor credit or lack of rental history often do not have utility accounts in their name; however, they may be responsible for paying these housing expenses. Such households must demonstrate proof of responsibility to make such payments by documenting a history of making payments and should not be excluded from receiving TBRA utility reimbursements based on the utility account not being in their name.
- c. **Occupancy Standards** – The intent of TBRA Occupancy Standards is to provide the smallest number of bedrooms needed by a household without overcrowding and guidelines for selecting an appropriate rent standard value for rent standard and rent reasonableness certifications. The following requirements apply when determining the appropriate unit size:
 - i. Size must provide the smallest number of bedrooms needed for all members without overcrowding.

- ii. Size must be consistent with space requirements under the Housing Quality Standards (HQS).
- iii. Size must be applied consistently for all households of like size and composition.
- iv. A child who is temporarily away from the home because of placement in foster care is considered a member of the household in determining the size.
- v. A pregnant woman must be treated as two people in determining the size and small children (less than 2 years of age) may share a one-bedroom with a single parent.
- vi. Any live-in aide must be counted in determining the size.
- vii. Two elderly or disabled household members may be given separate bedrooms.

In determining unit size for a household, Project Sponsors may grant exception to the standards if the exception is justified by the age, sex, health, handicap, or relationship of household members or other personal circumstances. Exceptions must be documented by Project Sponsors in the household's file. A household may occupy a unit larger than specified by the Occupancy Standards, but in such instances, Project Sponsors must use the rent standard for an appropriately-sized unit. For example, if a household qualifies for a one-bedroom unit, but occupies a two-bedroom unit, a Project Sponsor must use the rent standard for a one-bedroom unit when completing the rent standard and rent reasonableness certification.

5. Rent Standard and Rent Reasonableness

Per 24 CFR §574.320(a), the gross rent of TBRA-assisted units cannot exceed the rent standard. The CITY OF PROVIDENCE HOPWA Program uses Fair Market Rent (FMR) for the unit size per the household's county of residence as the rent standard. An important point about the rent standard is that it includes both rent *and* utilities, or the "gross rent." Utilities include electricity, fuel (e.g., natural gas, oil), water, sewer, and trash removal. Telephone, internet, and cable are not included. When determining whether a proposed unit is within the rent standard, Project Sponsors need to know the amount of several costs, including:

- Rent being requested by the landlord;
- Basic utilities included in the rent to the landlord; and
- Basic utilities to be paid separately in addition to the rent paid to the landlord.

The gross rent must also be reasonable in relation to rents for comparable unassisted units in the private market and must not be more than rents charged by the owner for comparable unassisted units. Project Sponsors should consider the location, size, type, age of the unit, and amenities and utilities provided by the owners.

- *Size*. Proposed units should be compared to units with similar bedrooms, bathrooms, and square feet.
- *Type*. Proposed units should be compared to similar unit types (e.g., house, duplex, apartment, etc.).
- *Amenities*. Proposed units should be compared to units with similar amenities (appliances, patios, etc.).
- *Location*. Proposed units should be compared to units in the same areas.

Proposed units must be compared with two similar units. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent. To ensure compliance with this requirement, Project Sponsors must complete the **Rent Reasonableness Checklist and Certification** for each proposed unit before TBRA services start and annual recertifications. Also, the form must be completed if there has been a change in residency or rent. If the gross rent of the proposed unit exceeds the lower of the rent standard or the reasonable rent, then TBRA services may not be provided. However, on a unit by unit basis, the Project Sponsor may increase the rent standard by up to 10 percent for up to 20 percent of the units that receive rental assistance (i.e., Project Sponsors may use 110 percent of the rent standard for

2 out of 10 of the combined households that receive TBRA, PSH or TSH services in a given program year).

6. Calculating Monthly Household and Project Sponsor Rent Payments

TBRA pays the difference between the contractual rent to the owner and the household’s calculated rent payment. Project Sponsors make rental assistance payments directly to property owners and, in rare circumstances, to utility vendors. Per 24 CFR §574.310(d), households receiving TBRA services must pay as rent, including utilities, an amount which is the higher of: (1) 30 percent of the household's monthly adjusted income (adjustment factors include the age of the individual, medical expenses, size of household and child care expenses and are described in detail in 24 CFR §5.611); (2) 10 percent of the household's monthly gross income; or (3) if the household is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the household’s actual housing costs, is specifically designated by the agency to meet the household’s housing costs, the portion of the payment that is designated for housing costs. To accurately calculate the household’s monthly rent payment to the owner and the Project Sponsor’s monthly rent assistance payment to the owner, Project Sponsors must complete a **Residential Rental Calculation Worksheet** before TBRA services start and annual recertifications. Also, the form must be completed if there has been a change in circumstances related to program eligibility or rent. The Project Sponsor’s monthly payments to the owner and to the utility vendor depend on the contractual rent to the owner and any utility allowances the household qualifies for. Per 24 CFR §574.320(a)(1), the “Maximum Subsidy” is the monthly amount of TBRA funds that *could* be paid to both an owner and a utility vendor. The Maximum Subsidy is calculated by:

(A) Rent Standard *OR* (B) Reasonable Rent	<i>Identify a dollar value for each and pick the lower value calculated on the Rental Assistance Worksheet</i>
- The household’s rent payment to the owner	
= Maximum Subsidy	<i>Monthly assistance cannot exceed this amount</i>

7. Utility Allowances and Reimbursements

Households receiving TBRA services must receive a utility allowance if they pay a separate utility vendor in addition to rent and utilities paid to the owner. Allowances are prorated in shared housing arrangements. The sum of the household’s monthly rent payment to the owner, the Project Sponsor’s monthly rent payment to the owner, and the Project Sponsor’s monthly utility reimbursement payment to the utility vendor cannot exceed the lower of the rent standard or reasonable rent for the proposed unit. Project Sponsors may request current copies of HUD-approved utility schedules from local Housing Authorities. In the event a household’s utility allowance exceeds the household rent payment, the household’s adjusted rent payment is \$0.00 and the difference is paid to the utility vendor. Failure to provide a reimbursement of this amount would violate the requirement of 24 CFR §574.310(d). Project sponsors cannot keep any portion of the reimbursement for their own use. Per 24 CFR §982.514, Project Sponsors must notify the household of the amount paid to the utility vendor and maintain a record of the notification in the household’s file.

I. Administration

Project sponsors may designate no more than 7% of the total grant award for administrative costs of the program. Examples of eligible administrative costs include administrative salaries and benefits, administrative supplies, contracted audits, payroll expenses, etc.

VI. Client Eligibility and Housing/Household Types

A. Participant Eligibility

To be eligible for assistance under all HOPWA activities, there are two basic elements of eligibility:

- Household has at least one person living with HIV/AIDS (PLWHA).
- Total household annual gross income is classified as low income and cannot exceed eighty percent (80%) of area median income (AMI) per the household's county of residence. <http://www.huduser.org/datasets/il.html>
- The household must reside in the EMSA catchment area.

Particular activities such as TBRA and STRMU may have additional requirements. **Please note that a person does not have to be homeless to qualify for HOPWA assistance.**

B. Eligibility Confirmation and Documentation Requirements

Eligibility must be confirmed before program entry and recertifications. Project Sponsors must obtain complete eligibility documentation from households applying for the program and the documents must be maintained in the household's file. Project Sponsors must notify the household of their eligibility (eligible or ineligible) in writing. Eligibility for participation in the program shall be confirmed by obtaining:

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

(Documentation must predate the program entry date.)

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

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

- i. Positive result from HIV screening test (Multi-Spot, HIV 1/2 Combo Ab/Ag Enzyme Immunoassay [EIA]);
- ii. Positive result from an HIV 1 RNA qualitative virologic test such as a HIV 1 Nucleic Acid Amplification Test (NAAT);
- iii. Detectable quantity from an HIV 1 RNA quantitative virologic test (e.g. viral load test);
- iv. Report of detectable HIV "viral load" that includes the name of the client;
- v. A signed statement from a physician, physician's assistant, advanced practice nurse, or registered nurse attesting to the HIV-positive status of the person;
- vi. A completed THMP Medical Certification Form signed by the physician; or
- vii. A hospital discharge summary documenting HIV infection of the client. Client records from a client's previous service provider may be used for establishing the client's eligibility for HIV/AIDS services if those records contain one of the forms of proof of an HIV or AIDS diagnosis listed above.

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

- i. Per 24 CFR §5.609, income includes, but is not limited to:
 - a. Gross wages, salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services
 - b. Net income from operation of a business or from rental or real personal property
 - c. Interest, dividends and other net income of any kind for real personal property
 - d. Full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of period receipts except as provided in line 14 of Annual Income Exclusions
 - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay except as provided in line 3 of Annual Income Exclusions
 - f. Temporary Assistance for Needy Families (TANF), including amounts designated for shelter and utilities
 - g. Alimony, child support payments, and regular contributions from organizations or from persons not residing in the dwelling
 - h. All regular pay, special pay and allowances of a member of the Armed Forces except as provided in line 7 of Annual Income Exclusions.
- ii. The City of Providence strongly suggest Project Sponsors use the **CPD Income Eligibility Calculator** to document and annualize household gross income and determine household income eligibility for the program. The **CPD Income Eligibility Calculator** is an interactive tool that must be used before program entry and annual recertifications. Also, the tool must be used if there has been a change in circumstances related to program eligibility.
- iii. If any household member 18 years of age and older reports that they have zero income or have attempted but cannot obtain third party proof of income, the household member must complete and sign a Zero Income Affidavit.

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

(The household must reside in the Project Sponsor's EMSA. Documentation must be current as of the program entry or recertification date.)

- i. Documentation evidencing tenancy includes a lease naming the household member as the leaseholder or occupant. Documentation must include an address in the Project Sponsor's EMSA.
- ii. Documentation evidencing ownership of encumbered property includes a deed accompanied by a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the household as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the eligible person or a resident member of the household as the property owner/debtor. Documentation must include an address in the Project Sponsor's EMSA.
- iii. Documentation evidencing a utility account in a household member's name with a utility vendor. Documentation must include an address in the Project Sponsor's EMSA.
- iv. If any household member 18 years of age and older reports that they do not have a fixed address or have attempted but cannot obtain third party proof of current residency, the household member must complete and sign a **Self-Declaration of Residency**.
- v. **NOTE: A Self-Declaration of Residency is only used for program eligibility determination purposes. It cannot be used as a supporting document for housing assistance payments. Households must receive services in the EMSA in which they reside per their proof of residency.**

D. Housing Types

The above-mentioned types of HOPWA assistance can be classified as various types of housing.

- **Short-Term Housing Assistance** can be provided through a housing facility, Short-Term Rental, Mortgage and Utility Assistance (STRMU), and motel/hotel vouchers.
- **Transitional Housing**, provided for a maximum of two years, can be provided through facility-based housing, rental assistance (TBRA) and project-based leasing (also known as Master Leasing).
- **Permanent Housing** can be facility based, TBRA and Master Leasing.

C. Household Types and Income Eligibility

The City of Providence's HOPWA program recognizes the diversity of household types in which PLWHA reside. The following guidelines govern the treatment of four types of housing in which an eligible person may reside.

Eligible Person Living Alone

A household consisting of an eligible person living alone may apply for HOPWA assistance based on the applicant's total income. When the applicant is an eligible person living alone, his/her total income is counted in calculating financial eligibility.

Eligible Person Living in a Family Unit

HUD's definition of a family – *Family* includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family. (<https://www.hudexchange.info/faqs/1529/how-is-the-definition-of-family-that-was-included/>)

What this means is that any group of people that present together for assistance and identify themselves as a family, regardless of age or relationship or other factors, are a family and must be served together as such.

The relationship may also be a dependent relationship (legal guardianship of a member of the household). If the applicant is a family unit, the total income of all members is counted in determining financial eligibility. In general, eligible persons may not rent from family members.

Note that "surviving family members" may also be eligible for limited assistance. The term family also includes surviving member or members of any family living in a housing unit assisted under the HOPWA Program at the time of the death of a family member with HIV/AIDS. However, such households may receive continued assistance for a limited period, not to exceed 60 days. The assistance can only be provided for the surviving family members at the housing location listed on the latest HOPWA application for assistance on file at the time of the client's death and only if the household remains low income eligible (i.e. 80% or less of median income) and a continuing financial need is demonstrated.

Eligible Person Living in a Roommate Relationship – Shared Housing

A roommate relationship - as distinct from a family relationship - is established solely for the purposes of sharing rent and utility bills in exchange for a share of the space available in the living unit. If the applicant is an individual with roommates, only the client's income is counted when assessing income eligibility, and assistance must be pro-rated among roommates. For example, if a client has 2 roommates and is residing in a three bedroom rental unit, the rental portion subject to assistance would be 1/3 of the actual rent and utility costs. If one (1) or more persons in a roommate relationship are eligible for HOPWA assistance, each may apply separately based on individual income, medical eligibility, and prorated housing costs.

Household with a Live-In Aide

Where there is a household with a live-in aide or person compensated for providing care to the eligible person with AIDS, the aide shall not be considered a family member. A live-in-aide is defined as a person who resides with an elderly, disabled, or handicapped person who:

- a) is determined to be essential to the care and well-being of the person(s)
- b) is not obligated to support the person (s), and
- c) would not be living in the unit except to provide necessary supportive services

A family member cannot be considered a live-in-aide, even if that person is the sole care giver to the other. If both persons receive social security or other income, the income must be counted together as a family unit.

A household consisting of an eligible person living in a housing unit with other persons must declare the nature of the relationship as either a family unit, roommates sharing housing, or live-in aid at the time of application.

VII. General Program Requirements

A. Project Sponsor Eligibility

Project Sponsors are nonprofit or governmental agencies targeting services to individuals living within the EMSA. At a minimum, Project Sponsors must:

- Have had 501(c)(3) nonprofit status at least 2 full years, have 2 full years of operating experience under another nonprofit entity which meets these criteria, or be a governmental entity in the EMSA proposing to serve HOPWA eligible persons.
- Demonstrate the ability to manage the HOPWA program and all applicable state and federal policies and procedures including compliance with federal and state non-discrimination laws.
- Project sponsors expending \$750,000.00 or more in Federal awards (from all Federal sources) in a fiscal year must have a Single Audit completed within 9 months from the end of the fiscal year.
- Project sponsors must be registered with the System of Award Management (SAM.Gov)
- Have established internal control and written fiscal accounting procedures.
- Demonstrate the ability to coordinate client services with other providers and leverage other resources toward meeting overall client needs and program goals.
- Demonstrate the ability to meet all reporting and record keeping requirements including maintaining the confidentiality of client records.

B. Confidentiality

All project sponsors must ensure the confidentiality of the name and other information about all individuals served through the HOPWA program. Project sponsors must follow both federal and state requirements regarding client confidentiality.

1. Federal Requirements

Clients' names, social security numbers, and other individual information on documents must be kept confidential, as required by the HOPWA federal regulations at 24 CFR574.440. Project Sponsors must ensure the confidentiality of all records by developing a comprehensive local program policy for confidentiality and consistently following the procedures. The policy must define confidential data and protected health information (PHI), describe how confidentiality is maintained, describe how unique client identifiers on all client files are used and created, outline breach procedures, notification requirements, mitigation activities, sanction levels, and requirements for duty to warn or report. The policy must provide a confidentiality training schedule (annually at a minimum) and designate a staff member as responsible for privacy and security (e.g. Privacy or Security Officer, Overall Responsible Party [ORP] or Local Responsible Party [LRP],

Privacy Liaison, etc.). The policy should explain measures Project Sponsors take to prevent unintentional disclosures, such as via agency logos or other identifying information on checks, letters, notifications, forms, envelopes, etc. that could imply a household member is living with HIV. For example, this could be accomplished by establishing a housing assistance checking account using a neutral account name such as “Housing Fund” or “Assistance Fund.” Unauthorized disclosure of any medical information regarding a client, without prior written consent, may subject the contracted agencies to legal action.

2. *Confidentiality Protocols*

Project sponsors must have written policies and procedures regarding client confidentiality. The policy, at a minimum, should address:

Training - How staff will be trained on confidentiality protocols – initial training and subsequent annual in-service updates. Each employee will sign a Memorandum of Understanding of Client Confidentiality stating that he or she has received training and understands that violation of confidentiality requirements may lead to disciplinary action, dismissal from employment and possible criminal prosecution.

Clients will be educated about the project sponsor’s confidentiality procedures including that access to confidential HIV information about clients will be restricted to those staff who “need to know” this information to deliver appropriate services. A “need to know” is present if the employee or agency, in order to perform properly normal job functions, must have access to the client’s medical background. A “need to know” list should be maintained by the project sponsor. Clients will also be informed about the agency’s policies regarding release of information to those outside the agency.

Consent to Release and/or Obtain Confidential Information

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

Also, please note that all Consent to Release and/or Obtain Confidential Information should include oversight authorities, like the City of Providence, for the purposes of monitoring and evaluation.

Gather, record and store information – Measures will be taken to ensure that:

- Letters, memoranda and other documents containing personal health information are accessible only by authorized personnel;
- Personal health related information stored electronically, including faxed documents, is protected from access by unauthorized persons;
- Only personal health related information necessary to fulfill authorized functions is maintained;
- Personal health related information is secured both during business hours and after close of working hours;
- Consent and release of information activities are consistent with policies

- Documents or files that contain personal health information that are obsolete or no longer needed are disposed of in such a manner so as to not compromise the confidentiality of the documents

Communicating with landlords – HOPWA programs have additional challenges to protect consumer confidentiality as they pay subsidies to landlords. Some suggestions are:

- Create a subsidiary organization with a generic name (unrelated to HIV/AIDS) for housing payments to landlords or IRS documentation sent to landlords.
- Maintain a separate bank account with checks using the generic name
- Create letter head for the subsidiary
- Establish a P.O. Box for receiving mail related to housing assistance and payments to landlords
- Establish dedicated phone numbers/lines with generic names for dealing with landlords and the public.

Examples of policies to safeguard client records and information:

- The agency’s data base and other files should either be contained in a limited number of computer terminals of those persons with “need to know” status or password protected as to limit access to only those with authorized access to the information.
- All paper files should be stored in lockable drawers or file rooms
- Paper files should not be left on desks or other surfaces viewable to unauthorized persons
- Computer screens containing HIV related information should not be viewable by unauthorized persons
- Paper files, disks, etc should be returned to their proper lockable location when not in use.
- Telephone and face-to-face conversations that could reveal confidential HIV-related information should be held only where the conversations cannot be overheard by unauthorized persons
- When faxing: call the receiving party in advance to ensure that he/she will be at the fax machine when the document arrives; use a fax cover sheet containing a statement prohibiting disclosure of confidential information; check that the fax number has been entered correctly before hitting “send.”
- When emailing, confirm the recipient’s address before sending and include the statement prohibiting disclosure of confidential information in all electronic transmissions of confidential information.

Protocols for responding to complaints of confidentiality violations

Agencies should develop policies and procedures for responding to complaints of confidentiality violations. Such protocols can be included in the grievance procedures of the agency (see part E. of this section.)

C. Housing Assessment/Stability Planning

Regulation 24 CFR574.500 (b) (2) states that the grantee will ensure that each project agrees to “conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program.” The assessment includes gathering participant information about current finances, past rental history, behavioral history and other service needs. The assessment is the foundation for the development of individual housing and service plans, sometimes referred to as housing stability plans. The plans should be kept in the participant file and reflect evidence of ongoing progress and plan updates.

D. Housing Quality Standards

All housing units supported by HOPWA assistance (except those assisted under the Short-term Rental, Mortgage and Utility Assistance Program and emergency shelter/lodging) must meet local, state and federal housing quality standards. Housing subject to inspection includes tenant chosen units under the Tenant-based Rental Assistance (TBRA) Program, Master Leasing, and Facility Based Housing. The provider agency is responsible for conducting all inspections required under HOPWA. The standards, as described in 24 CFR §574.310(b), include:

a) *Structure and materials.* The structures must be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from the environment and other hazards.

b) *Access.* The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.

c) *Space and security.* Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.

d) *Interior air quality.* Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.

e) *Water supply.* The water supply must be free from contamination at levels that threaten the health of individuals.

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

g) *Illumination and electricity.* The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliances while assuring safety from fire.

h) *Food preparation and refuse disposal.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

i) *Sanitary condition.* The dwelling unit and any equipment must be maintained in sanitary condition.

j) *Sanitary facilities.* The dwelling unit must include sanitary facilities within the unit, which are (i) in proper operating condition; (ii) adequate for personal cleanliness and disposal of human waste and (iii) usable in privacy.

k) *Site & neighborhood.* The site and neighborhood must be reasonably free from disturbing noises and reverberations or other dangers to the health, safety, and general welfare of the occupants.

l) *Smoke detectors.* At least one battery-operated or hard-wired smoke detector in proper operating condition must be present on each level of the dwelling unit, including basements, but excluding spaces and unfinished attics. Such detectors must be installed in accordance with and meet the requirements of National Fire Protection Association Standards (NFPA) 74 or its successor standards and if a hearing-impaired person is occupying the dwelling unit, the smoke detectors must have an alarm system designed for the hearing-impaired as specified in NFPA 74.

m) Lead paint. The Lead-Paint Poisoning Act as amended (42 U.S.C. 4821- 4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations 24 CFR Part 35 Subparts J, K, M (for tenant-based), and R apply.

n) Compliance with zoning code. The property must have proper zoning for use as residential, rental property. There shall be no illegal dwelling units on the property.

For TBRA and Master Leasing (Project Based Leasing), inspections for HQS are required before move-in, then annually, and at exit. Inspections may also be necessary when there are complaints, by either tenants or landlords.

E. Lead-Based Paint Requirements

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

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

If the structure was built or rehabilitated before 1978, then the Project Sponsor must disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint. If the structure was built or rehabilitated before 1978 *and* a child under the age of six or pregnant woman will reside in the property, then the Project Sponsor must visually assess the unit. Visual assessments are unnecessary for zero-bedroom units or if a unit meets other exemptions in 24 CFR §35.115(a). The client will initial the **HQS Habitability Standards Certification** if they received the pamphlet. Housing case managers that perform visual assessments must complete the HUD Lead-Based Paint Visual Assessment Training (see Section 20. Program Technical Assistance and Trainings, 1. Project Sponsor Required Trainings).

F. Fire Safety Requirements

The requirements for Fire Safety, as described in the Fire Administration Authorization Act of 1992, require smoke detector installation. Smoke detectors must be installed in accordance with National Fire Protection Association Standard 74, or more stringent local policies as applicable. Existing units must contain a single or multiple-station smoke detector; outside each sleeping area; on each level; battery operated or hard wired; clearly audible or interconnected. Accommodations must be made for individuals with sensory impairments.

G. Termination Policy and Grievance Process

As described in 24 CFR 574.310(e), HOPWA regulations require agencies to create a formal process for handling the termination of participants from HOPWA assistance. Terminations procedures should include the following elements:

- Clear policies about the grounds for termination. Grounds for immediate termination include commission of fraud and threatening, abusive or violent behavior. Fraudulent acts include failure by false statement, misrepresentation, impersonation, or other fraudulent means to disclose a material fact used in making a determination as to the client's eligibility for services.
- Written notice to the participant containing a clear statement of the reasons for termination.
- Permitting the participant to have a review of the decision, in which the participant is given the opportunity to present objections verbally and/or in writing before a person, other than the person (or a subordinate of that person) who made or approved the termination process. A clear statement of the grievance process should be provided to all participants at entry into the HOPWA program.
- The grievance policy must articulate the various levels that the grievance passes through. If denied at one level, state the next step(s). This may vary from agency to agency – the final decision could lie with a grievance committee, the Board of Directors or some other authority as designated by the agency.
- Providing prompt written notice of the final decision to the participant. The grievance policy shall state the time frame for response.

H. Fair Housing and Equal Opportunity

HOPWA project sponsors and their activities must comply with all federal laws, executive orders, and regulations pertaining to fair housing and equal opportunity and must take steps to ensure non-discriminatory treatment, outreach and access to program resources. Guide for specifics on how this relates to the HOPWA program can be found on page 70 of the HOPWA Oversight Guide at [HOPWA Grantee Oversight Resource Guide](#).

I. Faith-Based Organizations

A primarily religious organization must provide all eligible HOPWA activities in a manner free from religious influence and in accordance with the principles outlined in 24 CFR 574.300 (c).

J. Insurance & Bonding

The Project Sponsor shall carry sufficient insurance coverage in compliance with the terms in the Manual (Exhibit 1) to protect Agreement assets from loss due to theft, fraud, and/or undue physical damage, which insurance shall name the City of Providence, its departments, employees, and/or agents, as additional insureds. Additionally, the Subrecipient shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from HHS. The Project Sponsor shall also comply with the bonding and insurance requirements of 2 CFR § 200.310- Insurance and 2 CFR § 200.326-Bonding.

K. Conflict of Interest

According to 24 CFR 574.625 organizations should have policies in place that identify and handle potential conflicts of interest on the part of board members, staff and others associated with the organization such as volunteers.

L. Monitoring

The City reserves the right to conduct monitoring visits with project sponsors. Visits may be scheduled as a matter of routine or based on performance, fiscal reporting, program reporting or other areas of concern. They are generally conducted once a year. Project sponsors are informed prior to the visit what documents will be reviewed and what to expect at the visit. Please note that the City should be included in those groups listed in an authorization to release/disclose private client information as required for monitoring and evaluation of the program.

M. Client files

While the content of client files will vary depending on the HOPWA activity that a project sponsor is providing, the following are generally required:

- Completed Intake/Assessment form (including client data)
- Signed Authorization to Release and Obtain Information (Updated Annually)
- HIV Verification (signed by certified health practitioner/testing site)
- Completed Household Income Verification: (attach income/budget worksheet form or Verification of No Income form) and supporting documents (Updated Annually)
- Completed Gross Annual Income Worksheet
- Completed Adjusted Income/Resident Rent Calculation Worksheet
- Date of First Contact:
- Date Assistance Started
- Type of Assistance
- Housing Plan and/or Individual Case Management Service Plan
- 21-Week Tracking Sheet for STRMU assistance (if applicable)
- Shared Housing Rent Calculation (if applicable)
- Expense Verification form and supporting documents (copies of bills for childcare, medical expenses, telephone, and utility charges, etc.)
- Fair Market Rent (FMR) and Utility Allowances Charts (if applicable)
- Income Exclusions list
- Landlord Rental Agreement
- Copies of checks paid to landlord
- Program Service Agreement
- Housing Inspection Performed – Habitability or HQS form attached (Updated Annually)
- Tenant Inspection Checklist Form
- Earned Income Disregard Information and calculations (if applicable)
- Lead Based Paint Acknowledgement Form (if housing assistance includes children under 6 years old or pregnant women)
- Smoke Detector Certification
- Grievances filed, including follow-up and outcomes
- Signed Grievance/Termination Policy
- Termination Form (if applicable)

N. Record Retention

Each project sponsor must maintain all HOPWA-related program and financial records for a five-year period. The five-year period starts from the time the final check from the grantee is cashed/deposited.

O. Reporting

Project sponsors are required to collect certain HOPWA data elements as instructed by the City and compile an Annual Progress Report (APR), which is due to the City in quarterly. City staff then compile and consolidate this data to submit to HUD in the annual Consolidated Annual Performance and Evaluation Report (CAPER).

P. DUNS Number

All project sponsors are required to register with Dun and Bradstreet to obtain a DUNS number, if they haven't already done so.

Q. System for Award Management (SAM)

Project Sponsors are required to be registered with the System of Award Management (SAM) which is the primary registrant database for the US Government. SAM collects, validates, stores and disseminates data in support of agency acquisition missions, including Federal agency contract and assistance awards. Both current and potential federal government registrants are required to register in SAM in order to be awarded contracts by the federal government. Registrants must update or renew their registration once a year to maintain an active status.

R. Mandatory HOPWA Financial Management Training

Starting in 2012, the federal HOPWA office is requiring that all project sponsors complete the HOPWA Financial Management Training at: (HUD is currently updating the training)

[HOPWA Financial Management Online Training](#)

All project sponsors must have at least one staff person complete the training, with a passage rate of eighty percent (80%) and provide certificates of completion to the City.

S. Reasonable Accommodations

- If a tenant has an obstacle to obtaining or maintaining housing because of a disability, the tenant can request a reasonable accommodation. **42 U.S.C.A. §3604(f); 29 U.S.C.A §794; 42 U.S.C.A. §§12131**

- Definition – A reasonable accommodation is a change in a rule, policy, practice, or service that may be necessary to allow a person with a disability the equal opportunity to use and enjoy a dwelling. **42 U.S.C.A §3604 (f).**

When a person with a disability makes a request that is: Necessary + Reasonable = Must Grant Accommodation.

A Person with a Disability (Federal) is:

Any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;

- Has a record of such impairment; or

- Is regarded as having such an impairment

42 U.S.C.A. §3602(h)

There are times when an individual is unable to move into or remain in, housing because of circumstances related to a disability. In these cases, the applicant or resident may ask the project sponsor to make an exception to a standard policy, procedure, rule or eligibility criteria so that he or she can move into, or remain in, the housing. This is a Reasonable Accommodation request. To show that reasonable accommodation is necessary, there must be an identifiable relationship or nexus, between the problem the individual is encountering, the individual's disability, and the accommodation requested.

All applicants and new residents should be notified in writing of their right to request a reasonable accommodation. In addition to a written notice to applicants or language in the lease, such notification should also be given verbally because some individuals may have limited reading skills, cognitive limitations, language barriers, etc.

Residents receiving a notice of termination should be notified again of their right to request a reasonable accommodation. Providers may not require that the request be made in a specific format. A request does not have to be in writing and any Reasonable Accommodation forms that the provider gives to the resident are to help, not burden, the resident. Project sponsors, however, can request verification of an individual's disability.

There should be a standardized procedure for reviewing Reasonable Accommodation requests. All Reasonable Accommodation requests must be considered promptly and evaluated on a case-by-case basis. Some requests will demand immediate attention and ten days would be too long. Other requests could need the project sponsor to assess the feasibility and the extent of a possible financial and administrative burden and could legitimately take as long as several weeks. If the provider has reasons to reject a request, the provider should consult with the individual requesting to see if another strategy would also work.

Recommended steps for addressing Reasonable Accommodation requests are:

1. Applicant or resident approaches project sponsor to request a Reasonable Accommodation or modification. Be alert for requests that do not use the words "Reasonable Accommodation" but request some sort of action or waiver of a requirement because of a disability.
2. The project sponsor may need verification of the disability and necessity of accommodation or modification from a qualified individual. The qualified individual may be a physician, nurse practitioner, physician's assistant, psychologist, counselor, clinic, caregiver, or other qualified professional. If the disability is obvious, no verification should be needed; it would represent an unnecessary extra step for the individual.
3. All Reasonable Accommodation requests should be considered on a case-by-case basis.

Identify which staff reviews the requests.

4. The provider must respond promptly. If the response is a denial of the accommodation or modification, the provider may want to have a person in a supervisory position review and approve the denial before it is communicated to the individual.
5. If the project sponsor denies the request, the project sponsor should propose another way to accommodate the individual. An approach which opens a dialogue is suggested.
6. If no mutually acceptable solution is developed, the individual should be notified of any appeal procedures.
7. Follow procedures to notify the housing supervisor and the Board of Directors of the denial.
8. All information related to the reasonable accommodation or modification request should be well documented and kept on file. Logs should be kept legibly, and documents should be maintained for at least two years, as a denied Reasonable Accommodation request or other alleged discriminatory act can be challenged up to two years after the date of denial.
9. All information related to the request must remain confidential. Project sponsors are not permitted to ask about disabilities beyond what is required to establish the existence of a disability and the efficacy of the request

accommodation or modification to address the barrier caused by the disability. Providers are not permitted to share information about disabilities without a signed voluntary release of information.

10. Be sure all documents related to management plans, asset management procedures, and Board of Directors' oversight policies include information relevant to handling reasonable accommodation/modification requests.

Reasonable Modifications

Project sponsors may be required to provide residents with reasonable modifications (physical changes to their living units) and to provide reasonable accommodations (exceptions to standard policies, procedures, rules or application criteria to enable disabled persons to live in the housing). Fair Housing laws require that a disabled individual who needs to physically modify his or her housing (for example installing grab bars, a visual doorbell, etc.) be permitted to do so provided that there is a relationship or nexus between the problem the individual is encountering, the individual's disability, and the physical modification.

A project sponsor may condition permission for a modification on the resident providing reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

Payment: If the project sponsor receives federal funding, Section 504 of the Rehabilitation Act of 1973 applies, and the project sponsor is required to pay for the modification, unless the project sponsor can establish that it would impose an undue financial and administrative burden or require a fundamental alteration in the nature of the provider's program. Project sponsors not subject to Section 504 may, where reasonable, impose a condition that when vacating the unit, the resident will restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. However, the project sponsor should not require the resident to restore the unit to the previous condition if the modification benefits the property or is needed by another resident.

Determining Whether a Reasonable Accommodation/Modification Request is Reasonable:

Project sponsors must consider all requests and grant them unless they are not "reasonable."

Determining reasonableness does not mean the provider can second guess the resident's need for accommodation.

A project sponsor can contact the qualified individual who has established the resident's need for an accommodation, if necessary, to verify his or her qualifications or to confirm that the qualified individual has deemed the resident's accommodation necessary.

The project sponsor must get final approval of the reasonable accommodation from the City of Providence.

Denial of a Request for Reasonable Accommodation/Modification:

Project sponsors should be aware that refusing to grant a reasonable accommodation request for a reason other than those listed below is illegal. A project sponsor can deny a reasonable accommodation request for any or all the following reasons:

1. ***No "Nexus" or Connection Exists*** – The request is not made by (or on the behalf of) an individual with a disability or the need for the accommodation is not related to the disability;
2. ***Granting the Request Would Impose and Undue Financial and Administrative Burden*** – This could mean that the provider lacks the resources/staff capacity to make the accommodation or can show the accommodation would interfere with the right to quiet enjoyment of other residents who live in the housing.
3. ***Granting the Request Would Result in a Fundamental Alteration to the Program***
4. ***The Individual Poses a Direct Threat to Staff or Residents*** and granting the request would not eliminate or significantly reduce the threat.

T. Relocation Assistance

1. Document Client Information (Name(s) of Person(s) displaced, contact information, Address from which displaced, address of replacement property, Date of Initial Occupancy, Date Final Move Completed, occupant characteristics, household composition, head of household, racial/ethnic data.)
2. Interview displaced person to determine his/her relocation needs and preferences and explain his/her rights and options? [49 CFR 24.205(c)(2)(ii)]
3. Document displaced person's average monthly gross household income "low-income" as classified by HUD's Annual Survey of Income Limits for the Public Housing and Section 8 programs.
4. Provide General Information Notice (GIN) of displacement to the client. Ensure GIN includes the following:
 - a. Include a description of the program participant's relocation program. [49 CFR 24.203(a)]
 - b. Inform the person that he/she may be displaced for the project and generally describe the relocation payment(s) for which he/she may be eligible. [49 CFR 24.203(a)(1)]
 - c. Inform the person that he/she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate. [49 CFR 24.203(a)(2)]
 - d. Inform the person that he/she will not be required to move without at least 90 days advance written notice and that he/she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available. [49 CFR 24.203(a)(3)]
 - e. Inform the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child. [49 CFR 24.203(a)(4)]
 - f. Describe the person's right to appeal the project sponsor's determination as to his/her application for assistance. [49 CFR 24.203(a)(5)]
 - g. Include the pertinent HUD information booklet(s) or the equivalent.
5. Place in person's file a Notice of Eligibility for Relocation Assistance. [49 CFR 24.9 and 49 CFR 24.203(b)] Ensure the Notice of Eligibility includes the following:
 - a. Inform the person of his/her eligibility for relocation assistance effective on the date of the initiation of negotiations.
 - b. Ensure the Notice of Eligibility describes the assistance, the estimated amount of assistance and the procedures for obtaining the assistance.
 - c. Ensure the Notice of Eligibility identifies the specific comparable replacement dwelling and the rent/utility costs used for establishing the upper limit of the replacement housing payment. (Document the cost of comparable replacement dwelling monthly rent/utility costs or proposed sale price)
 - d. Ensure the Notice of Eligibility correctly explains to the person moving the moving expense choices that are available.
6. Document and identify how many referrals were made to comparable replacement dwellings. [49 CFR 24.204 and 49 CFR 24.403(a)(1)]
7. Document and identify the issuance of 90-day notice; ensuring it states a specific day as the earliest date by which the occupant would be required to move. [49 CFR 24.203(c)(3)]
8. Document and identify what advisory services were provided in accordance with 49 CFR 24.205. [49 CFR 24.9]

9. Document in the file evidence that the displaced person received payment for moving and related expenses. Include the amount and date of payment for moving and related expenses. [49 CFR 24.9]

10. Before making a replacement housing payment or releasing or releasing the initial payment from escrow, ensure the comparable replacement unit and the actual replacement unit were inspected to determine they were decent, safe, and sanitary. [49 CFR 24.205(c)(2)(ii)(C) and 49 CFR 24.403(b)]

11. Ensure the file contains evidence that the displaced person received a replacement housing payment. Include the date the Replacement Housing Payment Claim filed, the amount claimed, date claim was paid, and the amount paid. [49 CFR 24.9 and 49 CFR 24.401-24.404, as applicable]

12. Document how the following notices were delivered; personally, served or sent registered or certified mail, return receipt requested; General Information Notice, Notice of Eligibility, 90-Day Notice (as applicable), and 30-Day Notice to Vacate.

13. Ensure the displaced person is advised of his/her rights under the Fair Housing Act. If the comparable replacement dwelling to be provided to a displaced person who is a minority is located in an area of minority concentration, was the displaced person also give referrals to comparable not located in such an area.

Document any other issues that may be of interest to the Office of Fair Housing and Equal Opportunity (FHEO).

14. If a written appeal or complaint is filed by the displaced person, the project sponsor must promptly review the appeal in accordance with the requirements of 49 CFR part 24 and/or 24 CFR 42.390. If this occurs document issue raised and project sponsor's conclusion. [49 CFR 24.10]

15. Attachment I: Worksheet for Replacement Housing Payment

VIII. Personnel Activity Reports (PARS)

The predominate cost associated with providing housing counseling services under a grant is personnel compensation. Organizations must maintain reports that identify the distribution of work activities for each employee (professionals and nonprofessionals) whose compensation is charged, in whole or in part, directly to awards. In addition, organizations must include work activities of employees who perform two or more functions or activities.

Reports maintained by non-profit organizations to satisfy these requirements must meet the following standards:

- The reports must reflect an after-the-fact determination of the actual activity of each employee. Budget estimates (i.e., estimates determined before the services are performed) do not qualify as support for charges to grant awards.
- Each report must account for the total activity for which employees are compensated and that are required to fulfill their obligations to the organization.
- The reports must be signed by the employee, or by a responsible supervisory official who has firsthand knowledge of the activities performed by the employee. The distribution of activity should represent a reasonable estimate of the actual work performed by the employee during the periods covered by the reports. It is suggested that both the individual employee and responsible supervisory official sign the report.
- The reports must be prepared and completed by individual employee and signed by the agency manager each pay period or once each month if the report coincides with one or more pay periods. No report should encompass partial pay periods.

- Charges for the salaries and wages of nonprofessional employees, in addition to the supporting documentation, must also be supported by records indicating the total number of hours worked each day maintained in conformance with the Fair Labor Standards Act (FLSA) (29 CFR Part 516). For this purpose, the term "nonprofessional employee" shall have the same meaning as "nonexempt employee," under FLSA.
- Salaries and wages of employees used in meeting cost sharing or matching requirements on awards must be supported in the same manner as salaries and wages claimed for reimbursement from awarding agencies

IMPLEMENTING PRACTICES IN COMPLIANCE WITH A-122

(This section describes business practices that agencies can implement to comply with OMB Circular A-122.)

PERSONNEL ACTIVITY REPORTS (PARs)

The primary element in any agency's approach to being compliant with OMB Circular A-122 is to develop and implement a Personnel Activity Report (PAR) for every staff member whether their costs are direct or indirect. A PAR allows an agency to accurately report the amount of time each staff member spent performing various activities under specific grants. Using a PAR for one grant is relatively simple. However, most project sponsors have multiple sources of funding, many of which are federal sources of funding that require adherence to OMB A-122. The PAR is a spreadsheet or other form that allows an agency's staff to record the time they spend performing specific activities.

- The PAR must always record actual time and activities of each staff member. Time budgets, time estimates, or other projections of staff time and activities should not be recorded on the PAR. Prior to recording activity on a PAR, an agency must implement effective processes, procedures, and policies to ensure that data recorded on the PAR is **PAR SIGNATURE LINE**

Each employee and the employee's supervisor are required to sign and date the PAR. This signature affirms that the report coincides with one or more pay periods and has been prepared at least monthly. The supervisor must have firsthand knowledge of the activity performed by employee. The employee must affirm with his/her signature that this report is an after-the-fact determination of actual activity for the referenced pay period. Whether these affirmations are stated in writing located at the signature line or are found on elsewhere on the PAR, it is advisable that the PAR contain some variation of acknowledging language affirming these items.

MANAGING PERSONNEL TIME WITH PARs

Reporting and recording time on a PAR can be accomplished through various methods like, paper-based time sheets, computer software designed for time reporting, project management, or payroll systems. The most important aspect of implementing a time reporting process is to establish a set of policies and procedures that can be consistently used throughout an agency.

TIME KEEPING PRACTICES

Contemporaneous Versus Reconstructive Time Keeping

Procedures and policies that dictate how staff are to record their time should specify if time is to be recorded as they perform activities or recorded at some specified time after they have performed activities. If staff enter time keeping records after providing services (called reconstructive time keeping), they need to rely on notes, call logs, client management systems, and emails to reconstruct the required time keeping

records. A best practice would be for staff to use contemporaneous time keeping, which involves entering time spent on eligible activities as the activities are being completed throughout the day.

Contemporaneous time can be captured through time entry software or a log system. Although many staff may use the reconstructive method, or attempt to blend the two methods, contemporaneous time keeping is always a more accurate detailed account of time than a reconstruction of activities. Reconstructive time keeping can be used, while not the preferred method, if the agency employs the use of time capture software or technology that time stamps the activities of staff in a log format.

Contemporaneous Time Keeping Best Practices for Project Sponsor Staff

The use of contemporaneous time keeping can be difficult for those individuals who are accustomed to reconstructive time keeping. Staff need to understand how their activities and actions involving clients translate into grant dollars and program income. The greater knowledge staff members have regarding how keeping their time contemporaneously translates into actual revenue, the more accurate and timelier these time keeping practices will become. Specific employee performance goals should be employed to make sure each staff member understands that proper timekeeping supports programmatic success.

Reconstructive Time Keeping Best Practices of Project Sponsor Staff

Reconstructive time keeping is a process that can be used when contemporaneous time keeping is not conducive or productive. During workshops, group events, or days where clients are scheduled back-to-back, a staff member may not be able to stop work activities to perform contemporaneous time keeping activities. Below are best practices for reconstructive time keeping:

- Use case notes, call logs, workshop logs, or other documentation to help reconstruct time spent within each grant activity after active project activities have been completed.
- Not perform time keeping functions in front of clients to avoid presenting the image that the staff is more focused on capturing time versus providing services
- Not be used to make up for unaccounted time during contemporaneous time keeping
- Avoid use of average or estimated time taken for a specific activity or task

Source Documents Substantiating PARs

Within an organization's accounting department, or during the normal course of business, each organization collects, creates, transmits and receives documentation related to income and expense of revenues. The identification, classification, and archiving of these documents is critical to any agency's compliance with basic accounting standards, but more importantly, compliance with various OMB circulars. Examples of source documents include vendor invoices, bank statements, credit card statements, cancelled checks, and payroll records

COMMON PROJECT SPONSOR GRANT REPORTING MISTAKES

1. Redirecting Resources covered by a grant to activities not covered by a grant
2. Reporting activity not covered by the grant agreement.
3. Reporting the same costs to multiple grant awards.
4. Inaccurately allocating indirect costs to a grant award.

Role of the Intermediary in OMB Circular A-122 Compliance

In every grant agreement with each sub-grantee, affiliate, or other partner whose activities fall under the compliance areas outlined in OMB Circular A-122, there should be specific language regarding how each partner is expected to comply with these requirements. In addition to specific contract language, each intermediary should take steps to complete the following tasks to ensure every down-line cost is properly accounted within each grant award.

- Train sub grantees on compliance with OMB Circular A-122
- Perform audits of sub-grantee compliance with OMB Circular A-122
- Identify all grant sources for each sub-grantee, cross reference each grant received by a sub-grantee to ensure they don't conflict with the grant awards provided by the intermediary
- Provide technical compliance assistance to sub-grantees
- Allow for timely submission of PARs using an online document uploading system
- Compliance with OMB A-122 is the equal responsibility of both parties

Practical Implications Learned From OMB A-122 Non-compliance Findings

Nonprofit organizations found deficient in their accountability to tax payers or funders are typically found to have weak adherence to OMB Circulars and/or general accounting standards. In some instances, project sponsors claim that accounting activities are burdensome and hinder mission-oriented work, such as serving clients. This claim is buffeted by the reality that an organization's ability to serve clients is severely curtailed when funding is withdrawn due to a lack of accountability.

For more information on Model Personnel Activity Reports (PARs) that Comply with OMB Circular A-11, please click on the link below.

- <https://www.hudexchange.info/resources/documents/Housing-Counseling-Model-Personnel-Activity-Reports-OMB-Circular-A-122.pdf>

IX. Program Forms and Tools

The CITY OF PROVIDENCE HOPWA Program uses standardized program and service forms/tools to assist Project Sponsors with program enrollment and service delivery. These forms are provided by the Department of Housing and Urban Development (HUD). CITY OF PROVIDENCE Project Sponsors are required to use the CITY OF PROVIDENCE approved HOPWA Program forms unless otherwise noted below. The forms include the latest revision date and Project Sponsors must use the most recent version. Old forms should be discarded as they are considered obsolete. Project Sponsors must maintain any forms used in the household's file and housing case managers must complete forms accurately. Forms that require the signature of a household member should be available in Spanish. As of this publication, City of Providence HOPWA Program forms and tools include:

NOTE: The use of the specific forms and tools below is not required; they are provided as an example with the goal of preventing grantees from having to recreate the wheel.

Program Entry

- [Client File Contents Checklist](#)
- [Statement of HIV Verification](#)
- [CPD Income Eligibility Calculator](#)
- [CPD Income Calculator Manual](#)
- [Shared Housing Rent Calculation](#)
- [Zero Income Affidavit](#)
- [Sample Domestic Partnership Declaration](#)
- [HOPWA Income Limits](#)
- [Accepted Forms of Income Verification](#)
- [Housing Application and Assessment](#)
- [Permission to Release Confidential Information to Secure Necessary Services](#)
- [HQS Habitability Standards Certification](#)

Service Tools

- [Rent Reasonableness Checklist and Certification](#)
- [TBRA Tracking Sheet](#)
- [STRMU Tracking Sheet](#)
- [Client Budget Worksheet](#)
- [Residential Rental Calculation Worksheet](#)
- [Client Budget Worksheet](#)
- [Client Housing Plan \(Full\)](#)
- [Client Housing Plan \(Abbreviated\)](#)
- [Absence from Unit Policy HOPWA Program Draft Sample](#)
- [HOPWA Inventory Policy and Equipment and Furnishings Inventory](#)

X. Quarterly Report

Following are general guidelines for completing the City of Providence HOPWA Quarterly Report form, which is used for direct client-service projects funded under the Housing Opportunity for Persons with AIDS (HOPWA) program. The information provided by the HOPWA Quarterly Report form is necessary for the City of Providence to comply with its grant reporting requirements to the U.S. Department of Housing and Urban Development (HUD).

It may be the policy of individual departments to delay and/or hold pay reimbursement requests until the contract administrator receives all current, up-to-date reports.

GENERAL INFORMATION CONCERNING THIS REPORT

- The purpose of this report is to track the total number of unduplicated HOPWA-eligible persons who received HOPWA-funded services during each month of the contract year. Beneficiaries are to be reported based on the number of individuals served.
- This report is required for each month of the contract period.
- Every project must have a separate HOPWA Quarterly Report form.
- Quarterly Reports must be submitted to the Office of Grants Management.

BENEFICIARIES TO INCLUDE ON THE HOPWA QUARTERLY REPORT FORM

- The HOPWA Quarterly Report form is used to report on the beneficiaries of programs that provide direct services to individual clients or households. Only those persons who have been verified as being eligible for services and are *receiving services provided under this contract* must be counted on the HOPWA Quarterly Report form. It is understood that the contractor/agency will maintain documentation on file verifying the eligibility of each client reported. It is strongly recommended that

the agency attach a copy of the names/codes of individuals shown as new on the agency-retained copy of the monthly HOPWA Quarterly Report form so that both the agency and monitors may easily associate project files to HOPWA Quarterly Report new client reporting.

- After the first reporting month of the contract period, this form will be used to record only clients who are new to the program. For example, if 20 clients were carried over from the previous program year and 3 new clients were served during the first month of the contract period, then a total of 23 clients would be shown for the first reported month. If 16 of these 23 clients were still being served in the second month of the contract period and 2 new clients were served, only the 2 new clients would be reported for the second reporting month.

WHEN TO REPORT A CLIENT ON THE HOPWA QUARTERLY REPORT FORM

- Clients should only be reported once during the contract period. If a client is served over a period of months, that client should only be reported on the HOPWA Quarterly Report form during the first month that service was provided. For the first month of a new contract period, all individuals who have been served previously but are still receiving services as of the start of the new contract period will be considered “new” for the purposes of said contract and will be recorded in the first month reported on the HOPWA Quarterly Report form. For most projects, therefore, the beneficiary data for the first month of the contract period will be higher than in later months, when only new (additional) clients are reported.
- After the first reporting month of the contract period, this form will be used to record only clients who are new to the program. For example, if 20 clients were carried over from the previous program year and 3 new clients were served during the first month of the contract period, then a total of 23 clients would be shown for the first reported month. If 16 of these 23 clients were still being served in the second month of the contract period and 2 new clients were served, only the 2 new clients would be reported for the second reporting month.

SUBMISSION OF HOPWA QUARTERLY REPORT FORM

- The should be completed quarterly and submitted to the City of Providence, Grant Project Coordinator each quarter with your, Reimbursement Request. The report should be kept up to date so that they can serve as an accurate count of services provided to date.

HEADER INFORMATION

Project Name – This is the name of the HOPWA funded project, as stated on your City of Providence contract. If the project name is different from the agency name, the agency name can be added for clarification. For example: “Renewal Project/Crossroads Community Ministries”.

IDIS Project – The IDIS project number is located on page 1 of the HOPWA contract.

IDIS Activity – The IDIS activity number is located on page 1 of the HOPWA contract.

Contract Period – Enter the beginning and ending dates of the HOPWA contract.

Reporting Period – Enter the beginning and ending dates of the current quarterly reporting period. This should be from the first day of the reporting month to the last day of the quarter. The HOPWA Quarterly Report is required to be reported on a quarterly basis.

NOTE ON FOLLOWING SECTIONS

- Beneficiary information on race, ethnicity, and gender is to be provided for every person in each household served. The income information is based on the annual income of the entire household. Information on disabled persons is based on every person in each household served that meets the definition of disabled.

BENEFICIARY SECTION COMPLETION

Eligible Beneficiaries

- Low-income persons (at or below 80 percent of area median income) that are medically diagnosed with HIV/AIDS and their families are eligible to receive HOPWA-funded assistance.

Race (SPECIAL NOTE)

- For each of the racial identifiers listed, please *indicate if the person self-identifies as having a Hispanic or Latino ethnic background* by breaking down the total served into either the “No” or “Yes” column under each racial category. (Do not report a client in both of these sub-columns.) Generally, Hispanic/Latino ethnicity includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race. The term “Spanish origin” can be used in addition to “Hispanic” or “Latino”. For example: People may consider themselves “White” but also have some Hispanic background in their genealogy. In this case, they could self-identify as White with Hispanic ethnicity, in which case they would be reported as “White” with “Yes” for Hispanic ethnicity.

Audits

Agencies that become subrecipients of federal funds must comply with Subpart F of 2 CFR Part 200-Audit Requirements, and be prepared to complete an audit within two hundred seventy (270) days after the close of any fiscal year in which that Project Sponsor expends federal awards of at least \$750,000 (or such other amount as specified by the Director of the Office of Management and Budget).

Audits must comply with the provisions of OMB Uniform Guidance 2 CFR Part 200, must be conducted by an independent certified public accountant (“CPA”), and must include a management letter and any responses thereto and CPA-prepared financial statements.

Financial statements must include a balance sheet, operating statements, source and use of funds statement, Schedule of Expenditures of Federal Awards and sufficient supporting schedules and notes as may be necessary for HHS to determine the financial status of agency’s activities.

If the audit contains material findings, the agency must provide a copy of the audit, together with any comments and plans for correction, to HHS. If the audit contains no material findings, the agency is not required to submit a copy to HHS unless otherwise required; provided, however, that upon request the agency must provide a copy of any and all audits performed during the term of this Contract Agreement to HHS, HUD, or any designee thereof. The agency’s Project Sponsor agreement with HHS will stipulate that HHS reserves the right, in its sole discretion, to require an audit of any Subrecipient that expends federal funds during its fiscal year, regardless of amount. In the event an audit is required, the agency assumes full responsibility for compliance.

Any agency that expends more than \$200,000 but less than \$750,000 in federal funds per fiscal year will be required to have a CPA Audited Financial Statement(s). The funds expended may be from one or multiple federal sources. If allowable by program regulations, HHS may only pay for the portion of the audit, which represents the percentage of HHS federal funds in the program budget.

Subrecipients who do not qualify for the Single Audit Threshold or Audited Financial Statement must submit a Certified Annual Financial Statement (CFA). This is the lowest audit criteria and will only be accepted from those non-profits who can document that they did not qualify for an A-133 or a CPA audited financial statement. The Treasurer and the Board President must sign a statement certifying the CFA. The statement should read as follows:

We, the undersigned, as Executive Director and Treasurer of (Name of Agency), hereby certify that, to the best of our understanding and knowledge, the attached Financial Statements fairly and accurately represent the financial condition and operations of this organization.

Audit Due Date

Audits have different due dates depending on the type the agency qualifies to conduct:

- Certified Annual Financial Statements are due three (3) months after the end of the fiscal year;
- CPA conducted audits are due six (6) months after the end of the fiscal year, and
- Single Audits are due nine (9) months after the end of the fiscal year.

All Subrecipients who fall under the requirements of 2 CFR 200 Auditing rules must submit a full and complete copy of such audits to HHS. It is the responsibility of the Subrecipient to ensure that audits are completed in a proper and timely manner.

Failure to submit copies of the Audit will render the Subrecipient as non-compliant. This means that no funds may be drawn until HHS has received and reviewed the copy of the audit.

City Internal Audit Reviews

Most recent Fiscal Year audits or audited financial statements shall be requested at the time of application (as a method to demonstrate and evaluate good governance, financial controls, and risk), and as part of routine monitoring.

The City reserves the right to have its Internal Audit Division review all Subrecipient records and transactions. Audit findings resulting in monetary repayment to the City will be collected by the the City from the Subrecipient's non-federal funded resources. City Internal Auditors review HHS Subrecipient monitoring/account records to begin their single audit reviews. Reports containing findings are then sent to both HHS and the Subrecipient for compliance. Progress on the compliance is also monitored. Failure to rectify findings within the given time frame may result in suspension, termination of grant agreement, and/or disbarment from future grant funding.

Source Documentation

The general standard is that all accounting records must be supported by source documentation. This is necessary to show that the costs charged against HOPWA funds were incurred during the effective period of the Subrecipient's agreement with the City, were actually paid out, were expended on allowable items, and had been approved by the responsible officials in the Subrecipient organization.

The source documentation must explain the basis of the costs incurred, as well as show the actual dates and amount of expenditures. For example:

- Payroll source documentation should include employment letters and all authorizations for rates of pay, benefits, and employee withholdings. Such documentation might include union agreements or minutes from board of directors' meetings where salary schedules and benefit packages are established, copies of written personnel policies, W-4 forms, etc. For staff time charged to the HOPWA program activity, time and attendance records should be available. If an employee's time is split between HOPWA and another funding source, there must be time distribution records supporting the

award of charges among the sources. Canceled checks from the employees, payroll service provider, etc., or evidence of direct deposits will document the actual outlay of funds.

- Rental or lease agreements, and bills from the respective companies must support space and utilities costs. Both types of expenses will be supported by canceled checks. If the cost is split between HOPWA and other sources, there must be a reasonable method in place to allocate the charges equitably among the sources (“Cost Allocation Plan”).
- Supplies should be supported by purchase orders or requisition forms initiated by an authorized representative of the Subrecipient, an invoice from the vendor (which has been signed off by the Subrecipient to indicate the goods have been received), the canceled check to the vendor demonstrating payment was made, and information regarding where the supplies are stored and for what cost objectives they are being used.

All source documentation does not have to be located in the HOPWA project files, but it must be readily available for review by the City, HHS, HUD or other authorized representatives at all times. Please be aware that by accepting HOPWA funds your organization records as a whole are open for review. Subrecipients shall develop and maintain a central filing system. This will ensure that audits and monitoring visits go smoothly, and documentation is readily accessible.

In the simplest terms, financial transactions involve writing checks, and receiving reimbursement for eligible activities. Every grant related financial transaction must be recorded immediately in the accounting system.

Source documents, such as invoices or time cards, should provide all details of each transaction or activity. The information contained in the source documents is necessary for accounting purposes, and should be recorded in the computer accounting/accounts payable system. The source documents must be readily accessible during monitoring visits.

A variety of source documents and records are needed to properly account for grant transactions. These documents include but are not limited to the following:

- **Invoices** – All Subrecipients are required to retain original invoices or sales receipts for all purchases. All invoices must be marked "PAID" with the check number and date paid included. A stamp is recommended for this. If any original document for an expense cannot be located during a monitoring visit, the amount may be deducted from the next reimbursement request, or may be required to be repaid.
- **Timesheets** – All Subrecipients will maintain concise documentation for both the time worked and tasks undertaken. The employee and his/her immediate supervisor must sign employee timesheets.

- **Service Contracts** – All grant funded service contracts (independent contractors, accounting, leases, janitorial, etc.) must be a written agreement between the Subrecipient and the firm/individual and procured in accordance with federal, state, and local requirements.