

CHAPTER 10

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

- 10-1 APPLICABILITY. The Housing Opportunities for Persons With AIDS (HOPWA) program was established by the AIDS Housing Opportunity Act in 1990 (42 U.S.C. 12901 - 12912) to provide resources and incentives to recipient communities (program participants) to develop long-term comprehensive plans for addressing the local housing needs of low-income persons living with HIV/AIDS and their families. Program participants may designate or select housing agencies and/or nonprofit organizations to serve as project sponsors for the purposes of carrying out program activities over the planned use period, established as not more than three years. Activities are governed by HOPWA regulations found at 24 CFR Part 574.

HOPWA beneficiaries are persons diagnosed with AIDS (acquired immunodeficiency syndrome) or tested to be seropositive for HIV (human immunodeficiency virus). The resident family household or single individual must also be low-income, defined as income that does not exceed 80 percent of the median income for the area. (See also 24 CFR.574.3.) The HOPWA program outcome goal is that persons assisted have been enabled to establish and/or better maintain stable housing, reduce their risks of homelessness and improve their access to health-care and other support. In addition, stable housing helps increase adherence to the complex medical regimens and treatments for HIV/AIDS.

- 10-2 HOPWA'S FORMULA AND COMPETITIVE PROGRAM STRUCTURE. Based on annual appropriations, program funds are made available through two HUD grants management processes:
- (a) the Consolidated Plan process (established at 24 CFR Part 91) for the distribution of 90 percent of program funds by formula to states and the largest cities in metropolitan statistical areas; and
 - (b) the competitive process established annually in the publication of a HUD Notice of Funding Availability (NOFA) for ten percent of program funds and the renewal of expiring competitive grants that provide permanent supportive housing. Competitive grants may be awarded to states, local governments, and nonprofit organizations for projects that serve as Special Projects of National Significance, or for projects in areas that are not eligible for formula allocations. Competitive grants must be consistent with a community's Consolidated Plan.
- 10-3 BASIS FOR THE REVIEW. HUD has established annual output measurements for the program in order to report, on a national basis, the number of households receiving some form of HOPWA housing assistance. Program participants are required to annually

report on: (1) the number of units provided in facilities, such as community residences, SRO dwellings, and short-term facilities which were developed or operated with HOPWA support; (2) the number of households supported through the use of rental assistance payments; and (3) the number of households which received short-term rent, mortgage and utility payments during that year to reduce their risks of homelessness.

- 10-4 MONITORING HOPWA. This Chapter contains seven Exhibits for monitoring the use of HOPWA funds. The Exhibits can be used interchangeably to monitor either formula or competitive awards.

Some additional requirements may be established for a competitively selected grant based on the standards and elements issued under the Department's annual Notice of Funding Availability (NOFA). Competitive grants are also required to carry out the planned activities that were selected pursuant to their approved application. The guidance contained in this Chapter is designed to facilitate effective and efficient monitoring of HOPWA funds by CPD Field Office staff.

Monitoring reviews should also follow guidance on the use of HOPWA resources:

- (1) for competitive grants that receive funding as renewal projects, consistent with their approved grant agreements, for example, in following Notice CPD 06-06, "Standards for Fiscal Year 2006 HOPWA Permanent Supportive Housing Renewal Grant Applications," issued May 15, 2006 (or Notice CPD 07-13, "Standards for Fiscal Year 2007 HOPWA Permanent Supportive Housing Renewal Grant Applications," issued February 21, 2007), and other such notices that establish procedures for continuing funding to grants initially selected under SuperNOFA competitions; and
- (2) in undertaking short-term housing activities consistent with HUD guidance, for example, in following Notice CPD 06-07, "Standards for HOPWA Short-term Rent, Mortgage, and Utility (STRMU) Payments and Connections to Permanent Housing," issued August 3, 2006.

Monitoring review questions provided in this Chapter may involve the definition of eligible activities that are further detailed in these Notices.

- 10-5 FILE SELECTION AND SAMPLING. As described in Chapter 2, the risk analysis process will be used to determine which HOPWA program participants and areas should be reviewed, which also dictates Exhibit selection. Depending on the scope of the review and the nature of the program being monitored, certain Exhibit questions may not apply. The reviewer should indicate this in the appropriate section of the Exhibit, per the instructions in Chapter 2, Section 2-7(C)(3). Once the pre-monitoring process has been completed, where it is indicated that a file review is necessary to answer Exhibit questions, the HUD reviewer should consider the following factors when determining the specific files that will comprise the review sample:

- A. Where feasible, initial file selection should be made using a random selection method.

- B. The reviewer would consider adding more files to this selection in order to:
- i. Include a file or files from each staff person working in the respective program area being monitored;
 - ii. Expand the sample, if possible, to include additional files with the same characteristics, if indicated by the severity or nature of any problems(s) noted during the initial selection's review (for example, same problem category, same staff person, same activities or other characteristics);

This expanded sampling aids in determining whether problems are isolated events or represent a systemic problem.

- C. The reviewer may also add files to the selection from any project that the HUD reviewer has reason to believe may have compliance problems or that is substantially different in terms of size, complexity, or other factors from other projects the Program Participant has undertaken.
- D. With respect to reviewing client files, there are five (5) common elements to be documented:
- i. Medical documentation on HIV Status (see Exhibit 10-1, question 6, and Exhibit 10-2, question 16);
 - ii. Documentation on the number of household members (see Exhibit 10-1, question 8, and Exhibit 10-2, question 18);
 - iii. Verification of household income (see Exhibit 10-1, question 7(a), and Exhibit 10-2, question 17);
 - iv. Resident rent payment calculation (see Exhibit 10-1, question 15, and Exhibit 10-2, question 15); and
 - v. Eligibility for uncompensated health care payments (see Exhibit 10-1, question 25, and Exhibit 10-2, question 19).

Confidentiality requirements cover any use of the personal information found in client files that serve as source information to establish that eligible households benefit from eligible activities. HUD review of client files must only record or otherwise document the relevant evidence without revealing or recording personal client information in monitoring notes.