



Housing Opportunities for Persons with AIDS (HOPWA) Overview April 2014

Key Components of HOPWA

- Program size
 - Congress funded the HOPWA program at \$330 million for FY 2014 and the Administration is requesting \$332 million for FY 2015, which is below the amount (\$335 million) that the program was funded at in FY 2010
 - A 2000 evaluation of HOPWA stated that HUD allocated funds to over 100 formula grantees in 67 metropolitan areas and 34 states. Using the 1999 appropriation of \$225 million for HOPWA, grantees provided housing assistance to 51,875 AIDS/HIV persons including family members.
- Ownership
 - Will vary by the type of program and may be a non-profit, government entity or private landlord.
- Parties Involved and Their Roles
 - Congress established the program and continues to appropriate the funds
 - HUD Office of HIV/AIDS, a Division of the Department of Community Planning and Development (CPD), distributes (grants) the funding and monitors the program.
 - Local and/or State Department of Housing and Community Development (DHCD), the grantee, must address HOPWA assistance in the Consolidated Plan (ConPlan) and monitor any sub-grantees (project sponsors) and/or private landlords.
 - Non-profit housing provider (project sponsor) and/or private landlords
 - Services must be provided to the residents of HOPWA housing to maintain housing stability, avoid homelessness and ensure access to care and support. Parties may use a client participation agreement.
- How Program Works: Subsidy Mechanism
 - HOPWA funds may be used for many purposes including housing and services, as well as program planning and development costs. But a significant portion of the funds are used for housing.
 - The housing (rental assistance) provided may be
 - Tenant-based (similar to the Voucher program, i.e. household may move with the rental assistance)
 - Project-based (similar to Project-based Section 8)
 - Scatter site or facility-based housing with a master lease between a private owner and leasing organization, which generally pays the rent monthly to the owner and collects individual rents from the tenants.
 - Shared housing refers to situations where the eligible participant or family is sharing a single dwelling with other persons who are not of the same household and who cover their own share of housing costs.
 - Short-term Rent, Mortgage, and Utility (STRUM) Payments and Connections to Permanent Housing (for households that are in precarious living situations and without immediate short-term relief), 24 C.F.R. § 574.330
 - Community Residences, defined at 24 C.F.R. § 574.340



- Certain Local and/or State DHCDs are eligible entitlement jurisdictions and receive HOPWA funds, if they have included HOPWA in their ConPlan. An eligible metropolitan statistical area (EMSA) has a population of more than 500,000 and has more than 1500 cumulative cases of AIDS and an eligible state has more than 1500 cumulative cases of AIDS outside of an EMSA eligible to be funded through a qualifying city. For a list of jurisdictions in a state that receive HOPWA funds go to <https://www.onecpd.info/grantees/> The allocation of funds is determined based upon the proportional need based upon the number of AIDS/HIV cases.
- 10% of the funds are distributed competitively by Notice of Funding Availability (NOFA) in the *Federal Register*. If a non-profit received national funding it must file an Annual Progress Report (APR).
- Key Regulatory Features
 - 42 U.S.C. §§ 12901-12912
 - 24 C.F.R Part 574
 - 24 C.F.R. Part 91 ConPlan and Consolidated Annual Performance and Evaluation Report (CAPER)
 - To access a form CAPER, go to www.onecpd.info/resource/1011/hopwa-caper-form-hud-40110-d/ to access the CAPER for a particular jurisdiction go to <https://www.onecpd.info/grantees/>
 - To access a form APR, go to www.onecpd.info/resource/1012/hopwa-annual-progress-report-apr-form-hud-40110-c/ To access the APR for a particular grantee, go to <https://www.onecpd.info/grantees/>
 - Standards for HOPWA Short-term Rent, Mortgage, and Utility (STRUM) Payments and Connections to Permanent Housing CPD Notice 06-07 (Aug. 3, 2006)
 - HOPWA Rental Assistance Guidebook (hereinafter “HOPWA Guidebook”) <https://www.onecpd.info/resources/documents/HOPWARentalAssistanceGuidebook.pdf> (discusses the various types of housing that grantees and housing sponsors may provide; refers readers to Corporation for Supportive Housing (CSH), www.csh.org “Resources”, for information on how to develop PBRA housing for HOPWA families)
 - HOPWA Grantee Oversight Resource Guide. www.onecpd.info/resource/1003/hopwa-grantee-oversight-resource-guide/
 - Housing Choice Voucher Guidebook 7420.7 G http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/forms/forms (Grantees are urged to consult the Housing Choice Voucher Guidebook, but there are key differences between the HOPWA tenant-based program and the voucher program. For example, HOPWA housing does not have to comply with the voucher Housing Quality Standards (HQS) as the voucher standards are more stringent than HOPWA Habitability Standards; there is no HUD-required lease addendum. But HOPWA does have a Sample Rental Assistance Landlord Contract. See HOPWA Rental Assistance Guidebook.)
 - National Evaluation of the HOPWA Program, prepared by ICF Consultants for HUD (Dec. 2000) http://www.huduser.org/Publications/pdf/hopwa_0101.pdf
- Find Out Where This Housing is Located in Your Community
 - Ask your local and/or State DHCD
 - The information in the ConPlan, CAPER and APR should also be helpful
 - HUD website identifies jurisdictions that receive HOPWA funds
- Tips for Determining What Kind of Housing is Involved



- Households are low-income and have an individual or sole member with AIDS/HIV
- Services are provided with the housing, 24 C.F.R. § 574.310

Major Applicant and Tenant Issues

- **ADMISSIONS**
 - For persons with AIDS/HIV and families of such persons, a member of the household must have a medical diagnosis of AIDS/HIV.
 - Family must have an income that does not exceed 80% of Area Median Income (AMI) or below, with some HUD exceptions.
 - Project sponsor or grantee may create preferences, such as for those most in need, extremely low-income households, chronically homeless or residents of the jurisdiction. See HOPWA Guidebook.
 - HUD rules do not require an informal review if applicant is denied.
- **CONFIDENTIALITY**
 - Grantees and housing providers are required to ensure the confidentiality of HOPWA recipients and should have policies regarding confidentiality.
- **RENTS**
 - Rents may vary depending on the type of HOPWA program—Tenant-based, Project-based, Shared housing and/or STRUM.
 - For all the rental assistance programs, rents (including utilities) must be reasonable.
 - For a tenant-based rental assistance program, the grantee must establish the rent standard. The rent standard may be the HUD Fair Market Rent (FMR) or the public housing authority's voucher payment standard. The Grantee has flexibility to increase the rent standard for 20% of the HOPWA units. The rent standard is the maximum that the grantee will pay or authorize on behalf of the household, subject to rent reasonableness.
 - Tenant rent for shared housing is determined by a proration of private space occupied by the HOPWA household.
 - Except for STRUM participants, the tenant pays the greater of 30% of adjusted income, 10% of gross income, or the welfare housing allowance. There is no minimum rent.
 - The grantee may use the public housing authority utility allowance. Tenants may receive a utility reimbursement. HOPWA Guidebook, Attachment 4-2.
 - Tenant income is defined similarly to the other HUD income-based programs. 24 C.F.R. § 574.310(b) (cross-referencing to 24 C.F.R. § 5.609, 5.611 and 5.617). Tenants may qualify for the Earned Income Disregard. Household income must be verified annually. HUD has an income calculator, which anyone can sign up for, to use to determine tenant income and, therefore, tenant share of rent. <https://www.onecpd.info/incomecalculator/dashboard/>
 - No additional fees other than rent may be charged to the tenant.
 - Unclear as to whether tenant has a right to an interim income recertification and rent adjustment.
- **ADMINISTRATIVE HEARING** (see also evictions/terminations)
 - The local and/or state program should have clear, written grievance procedures for addressing grievances with other residents and/or staff.



- **TERMINATIONS**

- Participants may be terminated if the participant violates program requirements or conditions of occupancy. Grantees must ensure that supportive services are provided, so that a participant's assistance is terminated only in the most severe cases
- In terminating assistance to any program participant for violation of requirements, grantees must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at minimum, must consist of:
 - (A) Serving the participant with a written notice containing a clear statement of the reasons for termination;
 - (B) Permitting the participant to have a review of the decision, in which the participant is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel, before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
 - (C) Providing prompt written notification of the final decision to the participant. 24 C.F.R. § 574.310(e)(2)

- **EVICITION**

- The HOPWA Guidebook states that
 - A form lease or lease addendum must be required by the grantee or project sponsor or the lease used by the landlord reviewed and approved by program staff.
 - The lease terms should allow the landlord to terminate the lease or refuse to renew the lease of a tenant only for the following reasons:
 - Serious or repeated violation of the terms and conditions of the lease
 - Violations of applicable Federal, state, or local law
 - For other good cause
 - The lease also should not contain eight enumerated clauses
 - The Sample Rental Assistance Landlord Contract, HOPWA Guidebook, Attachment 5-3, states that the landlord must give the tenant at least 30 days' written notice of the termination and notify the program administrator in writing when eviction proceedings have begun.

- **RIGHTS OF REMAINING FAMILY MEMBERS**

- For surviving members of a family living in a unit assisted under HOPWA with a person w AIDS at the time of his/her death, housing and supportive services may continue for a reasonable grace period not to exceed one year. The regulations also allow programs to assist the family with housing information and moving expenses. 24 C.F.R. 574.310(e)(1)

This project was supported by Grant No. 2008-TA-AX-K030 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.