



Housing Opportunities for Persons with AIDS (HOPWA)

Application and Program Guidance

(Funding Year 2016-17)

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[HOPWA Website
http://www.cdph.ca.gov/programs/aids/Pages/tOAHOPWAsp.aspx](http://www.cdph.ca.gov/programs/aids/Pages/tOAHOPWAsp.aspx)

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INTRODUCTION

The purpose of this document is to provide HOPWA contractors with instructions for completing the required budget and program documentation necessary to enter into a contract with the California Department of Public Health (CDPH), amend an existing contract, and administer the HOPWA program in accordance with HOPWA *Code of Federal Regulations (CFR) Title 24, Part 574* and the contract with CDPH.

This document consists of: 1) instructions for completing the HOPWA budget and work plan, and 2) general program guidance, and includes web links to additional resources to assist contractors in successfully operating HOPWA programs.

INSTRUCTIONS FOR COMPLETING APPLICATION DOCUMENTS

This section provides instructions on how to complete each document required as part of the HOPWA application.

Definitions for Application Documents

Adhere to the following definitions when completing contractor and subcontractor budget documents:

Term	Definition
<p>Activity Delivery Costs:</p> <ul style="list-style-type: none"> • 15% of housing assistance categories for personnel and operating costs • 5% of supportive services, housing information services, and resource identification for personnel and operating costs 	<ul style="list-style-type: none"> • Costs directly related to carrying out eligible HOPWA activities (<i>Title 24, CFR, Part 574.3</i>). • Activity delivery costs are limited to 15% of HOPWA housing assistance categories and 5% of supportive services, housing information services, and resource identification. Costs must be reasonable and documented expenses. • Activity delivery costs for housing assistance categories may include personnel and operating expenses associated with, but are not limited to: publicizing the program; briefing applicants, participants, and rental property owners; receiving and reviewing household applications; determining and verifying household income and eligibility; setting up household files; tracking time limitations; conducting initial unit inspections; and certifying and documenting rent reasonableness, landlord lease negotiations and contracts, waiting list management, collaboration with service provider agencies, processing landlord subsidy payment checks or hotel/motel vouchers, travel, and other operating expenses related to delivery of service. Expenses may include, but are not limited to, office supplies, postage, prorated office rent, copies, and

<p>Activity Delivery Costs Cont'd:</p>	<p>communication services.</p> <ul style="list-style-type: none"> • Activity delivery personnel costs for salary-based activities such as housing case management, or a housing information services coordinator, may include the salary and benefits of supervisory staff associated with the delivery of the service and travel related to delivery of the activity. • Activity delivery operating expenses include overhead costs such as office supplies, office rent, communication services, copies, etc. •
<p>Activity Delivery Operating Expenses</p>	<p>Overhead costs that can be associated with the delivery of a HOPWA activity provided by the contractor or subcontractor, which may include office supplies, postage, prorated office rent/lease, telephone, etc.</p>
<p>Administrative Costs (not to exceed 7% of total allocation)</p>	<p>Costs for general management, oversight, coordination, evaluation, and reporting on eligible activities (<i>Title 24, CFR, Part 574.3</i>).</p> <p>Administrative costs are the sum of administrative personnel costs, administrative operating expenses, and administrative indirect costs.</p> <p>Administrative costs such as bookkeeping, and the compilation and reporting of data are <u>not</u> activity delivery costs.</p> <p>Note: Contractor may use up to 7% of their total allocation for administrative costs (<i>Title 24, CFR, Part 574.300(10)(ii)</i>).</p>
<p>Indirect Costs</p>	<p>The ICR represents the expenses of doing business that are not readily identified within a contract, but are necessary for the general operation of the organization and the conduct of activities it performs.</p> <p>The ICR is usually expressed as a percentage and is applied to either:</p> <ul style="list-style-type: none"> • The total of Personnel Services (Salary and Benefits) or • The total Allowable Direct Cost of the contract. <ul style="list-style-type: none"> • Ensure indirect costs do not exceed 15% of the total administrative personnel costs. <p>Note: Indirect costs must not exceed the allowable Indirect Cost Rates for Local Health Departments established by Contract Management Unit (CMU) Bulletin #13-07.</p>

<p>Administrative Operating Expenses</p>	<p>Typically the operating expenses assigned to HOPWA grant administration. This may include, office supplies, postage, facilities, telephone, etc.</p>
<p>Facility-Based Housing Assistance</p>	<p>Housing funds connected with a specific housing project or facility, including emergency, transitional, or permanent housing facilities.</p> <p>Facility-based housing rental assistance may include project-based rental assistance, master-leasing of housing units, or leasing of hotel/motel units. New facility-based housing rental assistance activities require some level of environmental review.</p>
<p>Facility-based Housing Operating Costs</p>	<p>Applies to facility-based housing facilities in current operation. Operating subsidy costs can include day-to-day housing operation costs such as utilities, maintenance, equipment, insurance, security, furnishings, supplies, and salary for staff costs directly related to the housing project, but not staff costs for delivering participant supportive services.</p>
<p>Grassroots Organization</p>	<p>An organization headquartered in the local community where it provides services and: 1) has a social services budget of \$300,000 or less; or 2) has six or fewer full-time equivalent (FTE) employees.</p> <p>Local affiliates of national organizations are not considered grassroots organizations.</p>
<p>Non-Facility-Based Housing Assistance</p>	<p>All HOPWA funding expenditures for the operating year to support short-term rent, mortgage or utility assistance (STRMU) and Tenant Based Rental Assistance (TBRA).</p>
<p>Other Costs</p>	<p>All subcontractor and non-personnel participant services provided by the primary contractor, such as housing assistance payments, facility operation subsidies, hotel/motel voucher assistance, security deposits, credit checks, utility hook-up payments, food, or transportation vouchers.</p>
<p>Personnel Costs</p>	<p>Contractor staff providing direct participant services or delivery of a HOPWA activity. Personnel costs are salary, wages, and fringe benefits associated with providing direct participant services such as housing case management or housing counseling, or delivery of a HOPWA activity such as STRMU, TBRA, or other non-personnel activities. Although personnel costs are included in a subcontractor</p>

	budget, all subcontractor line items are considered to be Other Costs.
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General Instructions

The following documents included in the application packet must be completed:

- *Document Checklist*
- *Contractor General Information*
- *Level of Environmental Review*
- *Form A - Five-Line Item Budget*
- *Form B - Budget Overview*
- *Form C - Contractor Administrative Budget Detail*
- *Form D - Contractor Housing and Other Services Budget Detail*
- *Form D1 - Contractor Personnel Detail*
- *Form E - Subcontractor Housing and Other Services Budget Detail*
- *Form E1 - Subcontractor Personnel Detail*
- *Form F - Performance Goals*
- *Form G - Housing Facility Annual Proposed Operating Budget, if applicable*
- *Form H - HOPWA Work Plan*

For a copy of the forms in Microsoft Excel format, please [click here](#).

Forms E and E1 only apply if your agency subcontracts with service providers.

Only complete the blue shaded cells in each form unless instructed otherwise. Do not edit, add, or delete the formulas.

Document Checklist

Complete the *Document Checklist* to certify that all required documents have been reviewed for accuracy and completeness and submitted as indicated.

Contractor General Information

The *Contractor General Information* form provides OA with the following information:

- Agency identification information (e.g. name, address, phone number)

- Agency Federal Employer Identification Number (EIN) and DUNS & Bradstreet Number
- Type of Agency (e.g. non-profit, governmental organization)
- Agency program and invoicing contacts
- Personnel authorized to sign invoices and agreements

Level of Environmental Review

Complete the *Level of Environmental Review* form in the Excel workbook. Provide a description of all activities to be provided and check all boxes that apply.

The Department of Housing and Urban Development (HUD) has determined that the following categorical exclusions are not subject to *Title 24, CFR, Part 58.5*, since they would not alter any conditions that would require a review or compliance determination under federal laws and authorities cited in *Title 24, CFR, Part 58.5*, unless there are extraordinary circumstances.

If a contractor wants to carry out an activity not listed below, a more detailed level of review may be required. Contractors must contact OA prior to carrying out those activities (e.g., minor rehabilitation of housing units, property acquisition or lease). OA will review and approve/deny these requests on a case-by-case basis. Activities NOT listed below (e.g., minor rehabilitation of housing units or project-based rental assistance [PBRA]) should not be listed on the level of environmental review form of this application.

- Tenant Based Rental Assistance (TBRA)
- Supportive services including but not limited to: health care, housing services, permanent housing placement, day care, nutritional services, short-term rent, mortgage or utility assistance (STRMU), and assistance in gaining access to local, state, and federal government benefits and services.
- Housing facility operating expenses including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training/recruitment, and other incidental costs.
- Economic development activities, including but not limited to: equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations.
- Activities to assist homebuyers with the purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title.
- Affordable housing pre-development costs including legal, consulting, developer, and other costs related to obtaining site options, project financing, administrative

costs, loan commitment fees, zoning approvals, and other related activities which do not have a physical impact.

- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under *Title 24, CFR, Part 58.47*.

Form A – Five-Line Item Budget

Form A – Five-Line Item Budget should be completed after *Forms C, D, and E(s)* are completed. This table self-calculates from the appropriate line items on *Forms C, D, and (if applicable) E(s)*.

The five line items are:

1. **Personnel Costs** - The sum of all contractor staff salaries, wages, and fringe benefits detailed in *Forms C, D, and D1*, if applicable.
2. **Operating Expenses** - The sum of the operating expenses detailed on *Form C* and all operating expenses listed on *Form D*.
3. **Capital Expenses** - Not an allowable line item for the 2016-19 agreement period. When available, this category includes the acquisition and development of housing as well as the purchase of furniture or equipment.
4. **Other Costs** - The sum of non-personnel participant services on *Form D* (emergency rent, utilities or mortgage assistance, TBRA, hotel/motel voucher assistance, any supportive service that is non-personnel based), and the total of all subcontractor housing and other services budgets on *Form(s) E*.
5. **Indirect Costs** - The sum of all indirect costs detailed on *Form C*. Activity delivery costs do not include operating expenses that cannot be directly associated with the service and subsequently will not include indirect costs.

Contractors requesting a waiver of the 20% supportive service cap must submit justification in this section of the application.

Form B - Budget Overview

Form B – Budget Overview breaks out the allocation between the contractor and subcontractor(s).

When completing *Form B*, enter the name of the contractor and/or subcontractor(s) providing services and the budgeted amounts for: contractor administrative costs,

contractor housing and other services costs only (from *Form D*) and subcontractor costs (*Form E's*).

NOTE: *Form B* - must equal the total allocation.

Form C - Contractor Administrative Budget Detail

Form C – Contractor Administrative Budget Detail itemizes administrative expenses.

When completing this form:

- Fill out form completely, including check boxes.
- Complete the administrative personnel, operating, and indirect costs. See the definitions for budget documents section for allowable costs, caps, and limitations.
- Round all figures to the nearest whole dollar.
- Itemize any indirect costs or operating expenses.
- Ensure indirect costs do not exceed 15% of the total administrative personnel costs.
- Ensure the total administrative budget does not exceed 7% of the total allocation as instructed in the Definitions for Application Documents.

Form D – Contractor Housing and Other Services Budget Detail

Form D – Contractor Housing and Other Services Budget Detail provides information regarding direct participant services, and activity delivery costs associated with each activity provided by the contractor.

The sum of personnel costs and operating expenses associated with the delivery of an eligible HOPWA activity cannot exceed 15% of each HOPWA housing assistance service and 5% of housing information services, supportive services, and resource identification.

When completing form:

- Fill out form completely for each participant service that the contractor plans to provide.
- Activity delivery costs may include non-administrative personnel and operating expenses. Identify the personnel costs on *Form D1* as well.

- Below is the recommended methodology for calculating a 15% activity delivery fee:

Methodology	Example
Determine total budget for the activity (e.g., STRMU, TBRA)	\$100,000
Subtract 15% from the total	<\$ 15,000>
Total available for housing assistance activity	\$85,000

- Round all figures to the nearest whole dollar.

Form D1 – Contractor Personnel Detail(s)

Form D1—provides information on contractor staff that perform grant administration activities as well as direct HOPWA program services.

- Complete one *Employee Position Summary* for each employee to be paid through this contract. Each *Employee Position Summary* includes sections labeled A through L and a space to describe staff duties. Complete each section A – L as follows:
 - A Enter job classification or title.
 - B Enter employee name or “vacant,” as applicable.
 - C Identify time base by FTE for position. (State the time base of the actual position within your agency, not the time allocated to HOPWA.)
 - D Enter estimated annual employee salary.
 - E Enter fringe benefit costs allowed by your agency by percentage.
 - F List each HOPWA service category to be performed by employee. A drop-down list is provided on the form. The service categories itemized on *Form D1* must correspond with personnel activities entered on *Form D*.
 - G Enter amount budgeted for each HOPWA program activity for salaries/wages.
 - H The worksheet self-calculates budgeted staffing costs for each HOPWA activity as a percentage of annual salary.
 - I Enter fringe benefits by HOPWA activity.
 - J Worksheet self-calculates fringe benefits as a percentage of salaries/wages.
 - K Worksheet self-calculates total salaries/wages and fringe benefits.
 - L Enter costs job-required travel for the employee. Travel costs should also be included in Fringe Benefits on *Forms C* and/or *D*. Use the State’s per-diem reimbursement rates to estimate travel expenses.
- Describe the HOPWA duties each employee will perform including program and grant administration activities.

- Round all figures to the nearest whole dollar.
- If there are more employee positions than tables available, copy and paste additional tables. (Additional tables will not be linked and not included in self-calculating formulas.)

Form E – Subcontractor Housing and Other Services Budget Detail

- *Form E* is required for each subcontracted service provider, and includes the same budget information as *Form D*. See *Form D* instructions above.
- The sum of all subcontractor budgets will roll up as other costs in the five-line item budget (*Form A*). NOTE: A copied *Form E* will not self-populate to *Form A*.

Form E1 – Subcontractor Personnel Detail

Form E1 includes the same personnel detail information as *Form D1* for subcontracting agencies with the exception of grant administration activities. See *Form D1* instructions above.

Form F – Performance Goals

Enter the estimated number of households to be assisted for each HOPWA program activity proposed. The number of households to be assisted may be a duplicated number among the program activities.

NOTE: Goals must have a numeric value greater than zero. Existing contractors shall review goals and outcomes submitted in the previous fiscal year, and make adjustments as necessary. Goals not achieved at 80% and greater should be adjusted to reflect an accurate and achievable number. Goals stated in the application are not currently weighted in the allocation process.

Facility-based housing activities:

- **Facility-Based Housing – Leasing Costs for Hotel/Motel Voucher Assistance**
Estimate the number of households to be assisted with hotel/motel vouchers.
- **Transitional Facility-Based Housing – Operational Subsidies**
Contractors that own, lease, or operate transitional housing units subsidized with HOPWA operating funds must estimate the number of households that will occupy those units during the program year.
- **Permanent Facility-Based Housing – Operational Subsidies**
Contractors that own, lease, or operate permanent housing units subsidized with HOPWA operating funds must estimate the number of households that will occupy those units during the program year.

- **Facility-Based Housing – Stewardship Units**

Pertains only to contractors that received HOPWA funds in prior years to purchase or rehabilitate housing units, but do not receive ongoing operating subsidies. Identify the number of households that will occupy those housing units during the program year.

Form G - Proposed Annual Facility Operating Budget

Form G is to be completed by contractors requesting funds to subsidize the operation of an existing housing facility (transitional or permanent housing). The purpose of this budget is to ensure contractors or subcontractors do not request more/less HOPWA funds than necessary to sustain housing operations during the program year. Complete one budget for each facility.

Form G does not have to be completed by contractors requesting funds for Project-Based Rental Assistance.

Provide the following information:

- Identify total number of units in the housing facility and the number of units to be set-aside for persons living with HIV/AIDS (PLWHA).
- List all income or revenue sources allocated to the facility, including the HOPWA operating subsidy.
- List all estimated expenses associated with the operation of the facility.
- List all debt service or mortgages that must be paid. Note that HOPWA funds cannot pay for mortgages.
- Identify all required reserves. NOTE: Reserves cannot be funded by HOPWA.
- The total of all income minus expenses, reserves, and debt service will equal net income or available cash flow. Projects receiving a HOPWA operating subsidy shall not generate cash flow.

This budget does not include on-site participant services, such as case management.

Form H – HOPWA Work Plan

In *Form H – HOPWA Work Plan*, the contractor describes how it will perform HOPWA administration functions including community planning, program development, management, operation, and evaluation. *Form H* includes a series of questions regarding these program administrative functions. NOTE: Existing contractors shall highlight any changes from previous fiscal year's approved budget application.

- Refer to the *HOPWA Program and Administrative Guidance* section of this document and the HUD resources provided as web links, for assistance in completing *Form H*.
- Any limitations imposed for housing assistance programs that are more restrictive than those established by HOPWA regulation or OA must be reviewed and approved by OA prior to implementing the restrictions.
- Using the [HOPWA Rental Assistance Guidebook](#) as a resource, contractors operating or proposing to operate a tenant based rental assistance (TBRA) program must submit their TBRA program policies and procedures for OA review and approval by June 16, 2016.

TBRA program procedures must address the following:

- Methodology for Calculating a TBRA budget
- Determining Eligible Beneficiaries/Households
- Participant/Beneficiary Notification and Application Process
- Establishing a Waiting List
- Individual Housing Service Plans
- Accessibility to Supportive Services
- Confidentiality
- Housing Quality Standards – *Title 24, CFR, Part 574.310(b)*
 - Lead Based Paint and Fire Safety
- Resident Rent Payment – *Title 24, CFR, Part 574.310(d)*
 - Utility Allowance
- Maximum Rent Subsidy – *Title 24, CFR, Part 574.320(a)(1)*
 - Rent Standard – *Title 24, CFR, Part 574.320(a)(2)*
 - Rent Reasonableness – *Title 24, CFR, Part 574.320(a)(3)*
- Participant and Landlord Leases and Housing Payment Contracts
- Termination of Assistance – *Title 24, CFR, Part 574.310(e)*
- Annual Recertification
- Fee Prohibition

Additional Documents for Non-profit Community-Based Organizations

Non-profit community-based organization (CBO) contractors are required to submit all or some of the following documents if a new HOPWA contractor, or there have been changes in the organization/organizational documents currently on file with OA:

- **Board of Directors List**

Non-profit organization contractors must provide a list of board of directors. The list should include name, title, address, and phone number for each board member. There is no formatting requirement for the list.

- **Authorization to Bind Corporation Letter**

Non-profit organization contractors must submit an authorization to bind corporation letter when:

- The agency is a new contractor;
- The agency has changed its name;
- There is a change in the authorization to sign contracts or monthly invoices; or
- There is a new board chairperson.

Authorization to bind corporation letters must be written on agency letterhead and contain the following language:

“The Board of Directors of the [Corporation Name] in a duly executed meeting held [Date] and where a quorum was present resolved to authorize [Name and Title] to sign and negotiate the Housing Opportunities for Persons with AIDS (HOPWA) program allocation and any contract that may result. In addition, we authorize the following person(s) to sign monthly invoices: [Names and Titles as appropriate].

The undersigned hereby affirms that the statements contained in this application are true and complete to the best of the applicant’s knowledge and accepts as a condition of contract/allocation award, the obligation to comply with the applicable state and federal requirements, policies, standards, and regulations. The undersigned recognized that this is a public document and open to public inspections.”

[Typed name of board chairperson, signature, and date.]

ROLES AND RESPONSIBILITIES

Contractors are responsible for meeting all contractual and programmatic requirements of the HOPWA program.

Contractor shall:

- Ensure that at least one employee completes and receives certification for the HOPWA financial management online training prior to submitting the first invoice request or by October 31, 2016, whichever occurs first.
- Ensure that at least one employee completed and receives certificate for the HUD *Getting To Work* online training prior to submitting the first invoice request of by October 31, 2016, whichever occurs first.
- Enter into subcontract(s), when necessary, with housing and service agencies/providers for the provision of HOPWA-eligible services and housing assistance.
- Establish written procedures and document selection criteria for housing and service providers to ensure compliance with all state and federal requirements for HOPWA activities to be provided by subcontracting with service providers.
- Where required by HOPWA regulation, obtain certification of the governing board in the jurisdiction where HOPWA activities are to be carried out, before entering into a contract with a service provider.
- Incorporate the HUD equal opportunity slogan or logo on all outreach materials, requests for proposals, advertising, employment bulletins, educational information or other information related to HOPWA.
- Maintain records for four years to document compliance with the provisions of the HOPWA program.

Contractor or subcontracting agency shall:

- Establish a written application-based intake process to ensure eligible HOPWA recipients and their families will be served.
- Ensure needs assessments and housing plans are completed for every participant receiving HOPWA housing assistance.
- Provide assistance only to households who are homeless or at risk of homelessness, where at least one household member has been diagnosed with HIV disease or AIDS, and the household is low income as defined by HUD.

- Make available appropriate supportive services to participants in HOPWA-assisted housing. Supportive services may be funded through HOPWA or other sources.
- Charge no fee, except rent, to eligible beneficiaries for any housing or services provided under HOPWA.
- Assure all housing (except for current residence of an eligible beneficiary seeking STRMU) meets the housing quality standards set forth in HOPWA regulations.
- Ensure residents of rental housing assisted under the HOPWA program, pay as rent, including utilities, an amount not to exceed the higher of:
 - 30% of monthly adjusted income (adjusted for age, medical expenses, size of household, and child care expenses); or
 - 10% of monthly gross annual income; or
 - Welfare payments specifically designated to meet housing costs.
 EXCEPTION: Rent payment calculations are not required for households receiving STRMU assistance payments, emergency shelter or hotel/motel vouchers, or permanent housing placement assistance.
- Establish and maintain a written process to ensure the confidentiality of HOPWA beneficiaries.
- Establish written participant grievance and appeals protocols, and maintain documentation for OA review.
- Establish written program termination policies in accordance with HOPWA regulation *Title 24, CFR, Part 574.310(e)*.
- Maintain a waiting list of applicants for housing assistance, based on date and time of application or other method approved by OA.
- Ensure that services will be provided in a setting that is accessible to low-income individuals with HIV disease.
- Adopt procedures to ensure that all persons who qualify for assistance, regardless of race, color, religion, sex, age, national origin, familial status, or disability, are made aware of the availability of the HOPWA program, including facilities and services accessible to persons with disabilities, and maintain evidence of implementation of the procedures.
- Comply with the nondiscrimination and equal opportunity requirements set forth in *Title 24, CFR, Part 5*, all Fair Housing requirements, and all applicable provisions of the *Americans with Disabilities Act* as well as *Title 28, CFR, Parts 35 and 36* regarding accommodations for persons with disabilities.

- Comply with the policies, guidelines, and requirements of *Title 24, CFR, Part 85* (codified pursuant to *OMB Circular No. A-102*) and *OMB Circular No. A-87* with respect to acceptance and use of funds under the program by states and units of general local government, including public agencies, and *Circulars Nos. A-110* and *A-122* with respect to the acceptance and use of funds under the HOPWA program by private non-profit entities.
- Comply with all references to OMB circulars for the administrative and audit requirements and the cost principles that govern Federal monies associated with this program by the [Uniform Guidance 2 CFR 200](#).
- Comply with all applicable environmental procedures and standards as required by *Subpart D-Uses of Grant Funds, Part 574.510 Environmental procedures and standards of Title 24, CFR, Part 574*.
- Comply with all applicable lead-based paint hazard reduction requirements set forth in *Title 24, CFR, Part 35, Subparts J, M, or K* depending upon the HOPWA activities being performed.
- Comply with state and federal laws regarding smoke detectors in rental housing.
- Collect and report data necessary to complete the *HOPWA Progress Report* as required by the HUD *Integrated Disbursement and Information System (IDIS)* and the *HUD CAPER*.
- Collect and report financial and invoicing data necessary to complete the *HOPWA IDIS* fund disbursement process.
- Comply with federal regulations regarding participation in the *Homeless Management Information System (HMIS)*. Contractors targeting homeless persons and receiving HOPWA funds are required to participate in HMIS.
- Comply with federal relocation laws in the event of tenant displacement from housing acquired or rehabilitated with HOPWA funds.
- Comply with all other federal requirements set forth in the HOPWA regulations *Title 24, CFR, Part 574*.

HOPWA PROGRAM AND ADMINISTRATIVE GUIDANCE

This section provides general information regarding implementation of HOPWA program activities and administrative processes.

HOPWA Program Guidance

Eligible Beneficiaries

- At least one person in the household must be diagnosed with HIV or AIDS; and
- The household must be low income as defined by HUD; any individual or family income that does not exceed 80% of the area median income (AMI), with adjustments for smaller and larger families. A family is defined as a household composed of two or more related persons, and includes other person or persons who are determined to be important to the care or well-being of PLWHA.

Restricting eligibility by lowering income limits below 80% of AMI requires HUD approval and must be supported by demographic data.

Housing Needs Assessments and Plans

The housing assessment process includes gathering participant information about current finances, past rental history, behavioral history, and other service needs. Housing assessments are the foundation for the development of individualized housing and service plans. Service providers shall assess housing and supportive services needs at the point of intake or application and create plans for housing stability. Service providers shall update the plans at least annually.

Time Limitations

HOPWA regulations specify time limitations on HOPWA assistance as follows:

- STRMU assistance: 21 weeks (or 147 days) out of any 52-week period;
- Emergency supportive housing (emergency shelter): 60 days out of any six month period;
- Rental assistance in the form of tenant- or project-based: no time limits; and
- Other HOPWA-assisted units: no time limits on assistance.

Prohibition Against Fees

Contractor shall charge no fee, except rent, to any eligible person for any housing or services provided with HOPWA funds.

Maximum Rent Subsidies, Tenant Rent Payment, and Habitability Standards

The following standards apply to all HOPWA-funded or subsidized housing units including TBRA, project-based rental assistance, housing facilities supported with operating subsidies, or housing units that have been acquired, constructed, or rehabilitated with HOPWA funds:

- **Maximum Subsidy**

The amount of grant funds utilized to pay monthly assistance for an eligible person may not exceed the difference between:

- The lower of the rent standard or reasonable rent for the unit; and
- The resident's rent payment calculation (HOPWA Regulation *Title 24, CFR, Part 574.310(d)*).

- **Rent Standard**

- The rent standard shall be no more than the published Section 8 Fair Market Rent (FMR) for the jurisdiction being served. With prior approval from OA, Contractors may use local Housing Choice Voucher rent payment standard set forth in the local housing authority's Public Housing Authority Management Plan.
- If the local housing authority rent standard is equivalent to HUD published Fair Market Rent, on a unit-by-unit basis, OA may increase that amount up to 10% for no more than 20% of the units assisted. Contractors must obtain approval from OA prior to allowing the increase.

- **Rent Reasonableness**

Rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by an owner for comparable unassisted units. Contractors must conduct a rent reasonableness assessment for all neighborhoods/areas within their county or counties.

- **Resident Rent Calculation**

Residents of rental housing assisted under the HOPWA program must pay as rent, including utilities, an amount not to exceed the higher of:

- 30% of monthly adjusted income (adjusted for age, medical expenses, size of household, and child care expenses); or
- 10% of monthly gross annual income; or
- Welfare payments specifically designated to meet housing costs.

- **Utility Allowance**

If a tenant is required to pay utilities, a utility allowance based on the local public housing authority current utility allowance schedule must be deducted from the tenant portion of the rent payment.

- **Shared Housing**

Rent charged for an assisted family or individual shall be in relation to the size of the private space for that assisted family or individual in comparison to other private space in the shared unit, excluding common space. An assisted family or individual may be assigned a pro rata portion based on the ratio derived by dividing the number of bedrooms in their private space by the number of bedrooms in the unit. Participation in shared housing arrangements shall be voluntary.

- **Habitability Standards**

Units must meet all state and local housing codes as well as habitability standards set forth in HOPWA Regulation *Title 24, CFR, Part 574.310(b)(2)*, including lead-based paint and smoke detector requirements.

Eligible Activities

Based on local HIV/AIDS housing and supportive service needs assessments, each locality determines the HOPWA activities to be funded and the amount of funds from the allocation to be applied toward selected activities. Contractors should allocate funds to activities that will assist participants in overcoming the most significant barriers to housing in their community.

The following includes a general description of each eligible activity and does not include all program requirements. Refer to the *HOPWA Grantee Oversight Resource Guide* and the *HOPWA Rental Assistance Guidebook* listed in the resources section for more detailed guidance.

Short-Term Payments for Rent/Mortgage Utility Costs (STRMU)

STRMU provides emergency subsidy or payments for a limited time period to prevent the homelessness of a household with at least one PLWHA.

- Rent payment and rent subsidy limitations and housing quality standard requirements *do not apply* to the STRMU program. (Note: If an assessment of the participant's living situation reveals that the unit he/she occupies is substandard or unaffordable, it should be addressed in the participant's housing plan.)
- Smoke detectors: participant must self-certify that their housing unit has a working smoke detector or a home visit must be made to determine whether the unit has an operating smoke detector.
- Lead-based paint requirements apply when:
 - The unit to be assisted was constructed before 1978;
 - Residents will include a pregnant woman or a child six years of age or younger; and
 - The rent or mortgage assistance payments will exceed 100 consecutive days.

All housing meeting the above criteria must receive a lead-based paint visual assessment before assistance may be provided.

Staff must complete the following online training course before they perform assessments:

<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

- The household must currently live in rented or mortgaged housing, with written documentation verifying tenancy.
- In accordance with *Title 24, CFR, Part 574*, STRMU assistance may be provided to eligible households for a period of 21 weeks out of any 52-week period.
 - OA has further defined the 52-week period based on the program year of July 1–June 30.
 - Agencies track the 21 weeks using calendar days of assistance. There are 147 calendar days in a 21-week period.

Calendar Days of Assistance:

This method is equal to the actual days for which housing and/or utility payments are made on behalf of the participant household. The limit of 21 weeks is equated to 147 days of assistance in the year.

Example 1: If a total utility bill was paid and the service period was April 17-May 16, 14 days would be attributed to April and 16 days to May.

Example 2: If a portion of the utility bill was paid, the days would be counted based on the amount that was paid by STRMU (e.g., total bill for April 17-May 16 [30 days]) is \$148. Agency agrees to pay \$100. Divide \$148 by 30 days, which

equals \$4.93 per day. The \$100 payment divided by \$4.93 per day equals 20.3 days (rounded to 20 days) assisted by STRMU.

Example 3: If a participant's rent is \$1,000 for the month of April and the agency agrees to pay \$500, divide \$1,000 by the number of days in the month (e.g., 30 for this example), which equals \$33.33 per day. The \$500 payment divided by \$33.33 per day equals 15 days (rounded) assisted with STRMU. The household has used 15 days of its 21 weeks of assistance.

- OA has established the following uniform guidelines for counties that impose caps on STRMU:
 - At a minimum, the annual amount of STRMU assistance expended per household should be equivalent to at least one month's HUD Fair Market Rent for a one-bedroom unit for the jurisdiction the household resides in.
 - A per household cap for utility assistance should not be less than the current utility allowances published by the local housing authority.
 - The household on-going housing needs are assessed or will be assessed in connection with the development of an individual housing service plan for the household. The level of assistance is based on assessed housing needs.
 - The time limitation or cap on funds is sufficient to avoid any continuing household housing crisis.
 - Assistance is for actual costs.
 - Other resources, such as household income, are not reasonably available to address the unmet housing need.
 - Any process for waiving a cap or limitation is expressed in writing and implemented in a uniform manner to all participants assisted.

Tenant-Based Rental Assistance (TBRA)

TBRA is a rental subsidy provided to an eligible household to be used in any eligible unit chosen by the household. If the household moves, the rental subsidy remains with the household to be used in another eligible unit.

- Contractors are encouraged to establish a TBRA program if their HOPWA allocation is sufficient to operate this type of activity, and there is evidence of a need for rental subsidies in their HIV/AIDS community.
- To develop a new TBRA program in your community, refer to the *HOPWA Rental Assistance Guidebook* and consult with OA HOPWA staff.

- Prior to establishing a program, contractor must submit a Program Description to ensure compliance with TBRA program requirements, and linkage to supportive services.
- Maximum rent subsidies, tenant rent payment calculations and habitability standards apply to TBRA.

Facility-Based Housing

- Project-Based Rental Assistance (PBRA)
 - May be permanent or transitional housing.
 - Rental subsidies provided to residents of certain units within a specific building.
 - When the resident moves, the rental subsidy remains with the unit, to be used by the next eligible participant.
 - Unit must pass housing quality standards inspection.
 - May require some level of environmental review.
 - Shared housing arrangements are allowable (e.g., when two or more households share a home).
 - Rent and subsidy limitations apply to this category.
- Operating subsidies for HIV/AIDS supportive housing facilities
 - Pertains to all costs associated with the ongoing operations of a housing project that targets PLWHA. The housing may be emergency-based, transitional, or permanent housing and includes licensed and unlicensed HIV/AIDS facilities.
 - Eligible costs include: security, operational costs (resident manager, maintenance person, etc.), supplies and materials, insurance, utilities, furnishings, maintenance, equipment, and other incidental costs in providing housing to participants in these units.

NOTE: Supportive service costs associated with counseling programs, skills development, personal assistance, etc., are NOT counted under this category.

- Facility-based housing projects that meet any of the following criteria are categorized as a community residence under HOPWA Regulations (*Title 24, CFR, Part 574.340 (a)*): 1) lower cost residential alternative to institutional care; 2) prevents or delays a participant's need for institutional care; 3) provides a permanent or transitional residential setting to enhance the quality of life for those who are unable to live independently; and 4) enables such persons to

participate as fully as possible in the community.

- A contractor operating a community residence must certify to the following:
 - Contractor will, or has entered into a written agreement with a service provider that will provide services as required by HOPWA Regulation *Title 24, CFR, Part 574.310(a)* to eligible persons in the community residence;
 - Contractor has analyzed the service level needed at the community residence, and contractor, or subcontracting service agency, will provide the needed services.
 - Contractor has provided a statement of how the services will be funded.
 - Contractor, and/or subcontracting service provider, is qualified to provide the services.
- Rent and subsidy limitations and habitability standards apply to transitional and permanent housing facilities.
- Short-term (emergency shelter) Supported Facility

Short-term facilities provide temporary shelter to eligible individuals to prevent homelessness and allow an opportunity to develop an individualized housing and service plan to guide participant linkage to permanent housing.

- Time limits: A short-term supportive housing facility may not provide residence for any individual for more than 60 days in any six-month period (*Title 24, CFR, Part 574.330 (a)*).
- Residency limitation: A short-term supported facility may not provide shelter or housing at any single time for more than 50 families or individuals (*Title 24, CFR, Part 574.330 (b)*).
- Housing case management: Each assisted individual shall be provided with an opportunity to receive housing case management services from the appropriate social services agencies (*Title 24, CFR, Part 574.330 (e)*).
- Placement in permanent housing: Each short-term facility must, to the maximum extent possible, offer individuals residing in such housing the opportunity for placement in permanent housing (*Title 24, CFR, Part 574.330(c)*).
- Hotel/motel voucher assistance

This type of assistance may be provided for up to 30 days, if no appropriate shelter beds are available and subsequent rental housing has been identified but is not immediately available for move-in by program participants.

Permanent Housing Placement Assistance

A supportive housing service that helps establish the household in a housing unit; such as, first month’s rent, reasonable costs for security deposits (not to exceed two months of rent costs), one-time utility hook-ups, and processing fees.

Prior to using funds for security deposit assistance, contractors must obtain OA approval of the agency documents to notify landlords and participants of the refund policy as well as evidence of fiscal capacity to track security deposit refunds as program income and reuse for eligible HOPWA activities.

Housing Information Services

These services include assistance with referrals to affordable housing resources, assistance locating available, affordable, and appropriate housing units, working with property owners to secure units, homeless prevention and other housing-related activities. Housing information services may also include fair housing counseling for people who have encountered discrimination on the basis of race, religion, sex, age, sexual orientation, national origin, familial status, or disability.

Supportive Services

- All households receiving HOPWA housing assistance must be provided with appropriate supportive services. Supportive services may be funded through other resources or through linkage to other programs. HOPWA funds may also be used, but should be limited.
- Not more than 20% of a contractor’s annual HOPWA allocation may be used for supportive services. OA will allow a waiver of the 20% cap if the enhanced level of supportive services will help participants overcome barriers to stable housing (e.g., more intensive housing case management, mental health or alcohol and substance abuse treatment, consumer credit counseling, job training, etc.).

Eligible supportive services are defined in the following chart:

Supportive Service Term	Definition
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Supportive Service Term	Definition
<p>Adult Day Care and/or Personal Assistance</p>	<ul style="list-style-type: none"> • Provision of community or home-based, non-medical assistance designed to relieve the primary caregiver responsible for providing day-to-day care of participant. • Provision of services in the home by licensed health care workers, such as nurses. • Provision of services by a homemaker, home health aide, personal caretaker, or attendant caretaker. This definition also includes non-medical, non-nursing assistance with cooking and cleaning activities to help disabled participants remain in their homes. • Routine diagnostics testing administered in the home; and appropriate mental health, developmental, and rehabilitation services. Inpatient hospitals services, nursing home and other long-term care facilities are NOT included. <p>The above services may be provided as a component of a supportive housing facility/community residence.</p>
<p>Alcohol and Drug Abuse Services</p>	<ul style="list-style-type: none"> • Provision of medical or other treatment and/or counseling to address substance abuse problems (i.e., alcohol and/or legal and illegal drugs) provided in an outpatient setting rendered by a physician or under the supervision of a physician, or by other qualified personnel. • Provision of treatment to address substance abuse problems (including alcohol and/or legal and illegal drugs) provided in an inpatient health service setting (short-term).
<p>Basic Telephone Services</p>	<p>Phone service determined to be needed to assist the participant in accessing services, such as maintaining consistent and accurate participation in medical treatment protocols, care or other essential supportive services.</p>

Supportive Service Term	Definition
Child Care	Provision of care for children of participants who are HIV positive while the participants attend medical or other appointments or HOPWA or Ryan White Program-related meetings, groups, or training. NOTE: Does not include child care while a participant is at work.
Education, Training, and Employment Assistance	A range of participant-centered services and training to assist participants in building employment and job readiness skills, such as assessment of skill levels, aptitudes, abilities, and support service needs; assistance with securing course tuition and on-the-job training materials; access to data banks of resumes and job postings, facilitating proper matches of workers with appropriate job openings; and placement assistance.
Housing Case Management	<p>Key housing case management duties include, but are not limited to:</p> <ul style="list-style-type: none"> • Initial comprehensive assessment of participant needs and personal support systems; • Development of a comprehensive housing plan for HOPWA participants, including affordable, stable housing, supportive services, and medical care; • Coordination of services required to implement the comprehensive housing plan; • Participant monitoring to assess the progress and efficacy of the comprehensive housing plan; • Periodic re-evaluation and revision of the plan as necessary; • Participant-specific advocacy; and • Coordination of benefits.
Life Skills Management	A range of participant-centered services and training to assist participants in building skills to better manage their lives. Examples include, but are not limited to: psychosocial and interpersonal skills; anger management and conflict resolution; communication skills;

Supportive Service Term	Definition
	budgeting and money management; maintaining and operating a home (nutrition, cooking cleaning etc.); self-evaluation skills, and the ability to set goals, etc.
Meals/nutritional services	Food bank/home-delivered meals. May include the provision of actual food, meals, or nutritional supplements. Does <u>not</u> include financial assistance or food vouchers provided directly to participants to purchase food or meals.
Mental Health Services	Psychological/psychiatric treatment and counseling services to individuals with diagnosed mental illness, conducted in a group or individual setting, and provided by a mental health professional licensed or authorized in the state to render such services. Typically includes psychiatrists, psychologists, and licensed clinical social workers.
Transportation	Services include conveyance services provided directly by agency vehicles, or through gas or taxi vouchers or bus tickets to a participant so that he or she may access health care services or obtain housing.

Resource Identification

Activities specific to:

- Identifying housing resources and does not include housing referral services
- Establishing, coordinating, and/or developing housing assistance resources for eligible persons
- Hiring staff or consultants to develop housing finance package for a specific housing project
- Conducting preliminary research
- Determining feasibility of specific housing-related initiatives

- Market studies

Confidentiality

All staff working with HOPWA participants shall be trained regularly on confidentiality laws and protections. All staff (and the employees of any subcontractor as well) who will have access to confidential public health information shall be required to sign Agreement by Employee/Contractor to Comply with Confidentiality Requirements (Form CDPH 8689) each year prior to being given access to the confidential information, as required by Health and Safety Code section 121022(f). Staff shall be familiar with the use of basic tools, including consent forms and protocols for securing paper and electronic files, computer access and technology protections, and protocols for sharing confidential participant information with other providers.

Establish and maintain a written process to ensure participant confidentiality. The confidentiality policy shall, at a minimum, address:

- How staff gather, record, and store confidential information
- The consent process for the release of confidential information
- Protocols for responding to breaches of confidentiality in accordance with ARIES Policy Notice B1 reading reporting of security incidents is posted at <http://www.cdph.ca.gov/programs/aids/Documents/APN-B1.pdf>
- Standards contained in relevant state and federal laws, including Health Insurance Portability and Accountability Act compliance (if applicable), and HIV confidentiality statutes
- Privacy standards related to data collection and use of participant information for program reporting, such as *AIDS Regional Information and Evaluation System (ARIES)* or *HMIS*

HOPWA rental assistance programs require additional attention to confidentiality, especially related to interacting with landlords. Referencing the HOPWA program by name in rental documents or letters and forms used in the program provides an opportunity for landlords and their agents to become aware of a renter's HIV status. Similarly, if the agency or program name references AIDS or HIV and is used in communication or outside documents, the confidentiality of beneficiaries is compromised. Housing assistance programs are strongly encouraged to use a generic program name and to insulate rental assistance beneficiaries from exposure in all practical ways.

Intake Process

Establish and implement a written application-based participant intake process to ensure eligible HOPWA beneficiaries and their families are served.

Waiting Lists

Establish and maintain a waiting list of applicants for assistance, based on date and time of application.

- For TBRA or Facility-Based Housing, base the waiting list on date and time of application or other OA approved method.
- For STRMU, a waiting list may include participants that are turned away due to agency-imposed caps on STRMU due to insufficient resources.

Grievance and Appeals and Termination Policies

Establish written participant grievance and appeals procedures as well as program termination policies, and ensure participants are aware and acknowledge receipt of the procedures.

Termination procedures shall include, at a minimum:

- Written notice to the participant containing a clear statement of the reasons for termination.
- Opportunity for a participant to review the decision, allowing them to confront opposing witnesses, present written objections, and be represented by their own counsel or representative, before a person other than the person (or a subordinate of that person) who approved the termination decision.
- Provide participant with prompt written notification of the final decision.
- The contractor must also have a policy in place when termination of assistance is due to the death of an eligible HOPWA participant with surviving family members. The contractor shall establish a reasonable grace period of continued assistance to surviving family members, not to exceed one year from the date of death of the participant. OA recommends at least 60 days of assistance.

Affirmative Outreach

Adopt affirmative outreach procedures to ensure all persons who qualify for assistance, regardless of race, color, religion, gender, age, national origin, familial status, sexual orientation, or handicap, are made aware of the availability of the HOPWA program, including facilities and services accessible to persons with disabilities, and maintain evidence of implementation of the procedures.

Compliance with Fair Housing Laws

Comply with the fair housing requirements including all applicable provisions of the *Americans with Disabilities Act (Title 42, United States Code Sections 12101–12213)* and implementing regulations at *Title 28, CFR, Part 35* (States and local government grantees) and *Part 36* (public accommodations and requirements for certain types of short-term housing assistance). Contractors must comply with the [California The Fair Employment and Housing Act \(FEHA\) Government Code, Title 2, Division 3, Part 2.8.](#)

Conflict of Interest

Comply with state and federal conflict of interest requirements.

Supplanting Funds

Ensure HOPWA funds are only used to supplement and not supplant existing federal, state, or local funding for the same purposes as the HOPWA program.

Administrative Guidance

Reporting Requirements

HUD reporting requirements

HUD requires the collection and reporting of specific performance outcomes and demographic information. OA requires submission of the data on the *HOPWA Progress Report (HPR)* form, which is provided by OA through a Management Memorandum and/or posting to the OA website.

OA reports data to HUD in a *Consolidated Annual Performance and Evaluation Report (CAPER)* through IDIS.

HPR’s include **cumulative data** and are due to OA as follows:

Report	Period	Due to OA
Midyear	July 1 to December 31	January 31, 2017

Final Report	July 1 to June 30	July 15, 2017
Midyear	July 1 to December 31	January 31, 2018
Final Report	July 1 to June 30	July 15, 2018
Midyear	July 1 to December 31	January 31, 2019
Final Report	July 1 to June 30	July 15, 2019

Cumulative reports shall contain the following minimum data set:

- Performance goals per program year.
- Overall accomplishments and barriers encountered.
- Information on the contracting agency and each subcontracting agency including, but not limited to: name, address, DUNS number, EIN/TIN, contract amount, Congressional district(s), area served, and organizational status (i.e., non-profit, faith-based or “grassroots”).
- HOPWA funds budgeted and expended to date and use of funds.
- Amount of other funds used in conjunction with HOPWA funded activities.
- Sites and units of housing and households served with HOPWA and non-HOPWA funds in conjunction with HOPWA activities.
- Information for HOPWA participant and all family members, including HIV/AIDS status, age, gender, household income, race, and ethnicity.
- Living situation of eligible participant upon entering program and housing destination upon exit of the program or end of program year.
- Performance outputs and outcomes demonstrating improvements in eligible beneficiary housing stability, access to HIV treatment and other healthcare and support, and reduced risk of homelessness.

Additional Reporting Requirements

- ARIES

ARIES is a centralized HIV/AIDS participant management system that allows for coordination of participant services and provides comprehensive data for program reporting and monitoring. HOPWA intake and assessment screens, as well as [HOPWA Progress Report Data](#), are available in ARIES. All HOPWA contractors

shall utilize ARIES for HOPWA and adhere to the ARIES Policy Notices posted at www.projectaries.org.

- **HMIS**

Pursuant to federal requirements, agencies that receive HOPWA funding and target homeless persons are required to participate in their local HMIS. Other agencies that target PLWHA and periodically assist homeless HIV/AIDS beneficiaries are encouraged to participate in their local HMIS.

Invoicing

Contractors may submit invoices and invoice expenditure detail forms either monthly or quarterly. Contractors must notify their HOPWA program coordinator whether invoices will be submitted for monthly or quarterly billing periods. After the execution of the contract, invoices are due 30 days following the end of the selected billing period.

Contractors must submit a HOPWA invoice backup spreadsheet and documentation with each invoice. The invoice backup documentation provides detailed expenditure information necessary to create vouchers and drawdown funds from IDIS.

Budget Revisions

Contractors have the ability to submit budget revisions as follows:

- **Line Item Shifts**

Subject to prior OA review and approval, line item shifts of up to 15% of the annual contract total are allowed, so long as the annual agreement total neither increases nor decreases. Contractor must submit an *In-House Revision Form*, for approval, for line item shifts to OA. Please contact your HOPWA program advisor or fiscal analyst for a copy of the in-house revision form.

- **Budget Revisions**

Revision of service category funding is referred to as budget revisions. The contractor must notify the HOPWA fiscal analyst and program advisor, via e-mail, before the changes go into effect. The e-mail must include where funds/services are reduced and where the funds/services are increased. Budget revisions made by subcontractors are reported in the "Other Costs" line item and are not considered line-item changes. Subcontractors must notify the contractor of any budget shifts or changes in services or allocations.

- **Other Budget Changes**

If any other changes are needed to previously approved budgets that are not described above, please contact the HOPWA fiscal analyst and program advisor.

Record Keeping

Service providers must maintain financial records for four years past the end of the contract period.

Program Compliance and Performance Monitoring

- Program compliance and performance monitoring ensures compliance with state and federal programmatic and fiscal requirements.
- OA provides ongoing technical assistance to provide contractors and subcontractors necessary resources and training to effectively administer HOPWA programs.
- HOPWA contractor and subcontractor oversight is achieved through a comprehensive approach of remote and on-site monitoring techniques. OA continuously reviews and monitors fiscal, programmatic, and administrative performance through contractor and subcontractor budgets, invoices, narrative reports, fiscal reports, site visit activities, audit reports, work plans, and needs assessments.
- OA conducts periodic site visits to assess contractor performance at least once during the agreement period, and more often if performance and compliance concerns are identified.
- OA communicates performance and compliance concerns and program successes through a monitoring report and Corrective Action Plan (CAP) process.

Financial and Compliance Audit Requirements

Contractors and subcontractors must be audited by an independent auditor as part of a single organization-wide financial and compliance audit to verify:

- Financial operations are properly conducted.
- Financial reports are fairly presented.
- Contractor and subcontractor(s) are in compliance with all applicable laws, regulations, and administrative requirements that affect the expenditure of HOPWA funds.

The following table details criteria to determine whether a contractor must obtain an audit in accordance with *Generally Accepted Government Audit Standards (GAGAS)* or *GAGAS and OMB Circular A-133 – Audits of States, Local Governments and Non-Profit Organizations (A-133)*. Further information can be found at https://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2015. The table also includes audit submission and corrective action requirements.

Item	A-133 Audits	Audited Financial Statement
Requirements	<p>A non-profit or local government agency contractor/subcontractor that expends over \$750,000 annually in total federal awards is required to obtain an annual single, organization-wide, financial and compliance audit in accordance with requirements specified in A-133.</p> <p>The A-133 is an independent audit that determines if funds are expended for allowable costs, expenditures are in accordance with program objectives, and internal controls are in place.</p>	<p>A non-profit contractor/subcontractor that receives less than \$750,000 in federal awards is not subject to A-133 audit requirements but is required to obtain an annual single, organization-wide, financial and compliance audit (<i>Audited Financial Statement</i>) that is conducted in accordance with Generally Accepted Government Audit Standards (GAGAS).</p> <p>A non-profit contractor receiving less than \$25,000 in federal funds may submit the <i>Audited Financial Statement</i> on a biennial basis.</p> <p>(<i>Health and Safety Code Section 38040</i>).</p>
Due Date and Submission	<p>Local government agencies submit A-133 audits directly to the California State Controller’s Office. However, the HOPWA fiscal analyst obtains copies of these audits to have available in the event HUD requests copies.</p> <p>For non-profit contractors, an electronic PDF copy of the A-133 audit report is due to HOPWA fiscal analyst within 30 days after the completion of the audit but no later than the</p>	<p>An electronic PDF copy of the <i>Audited Financial Statement</i> audit must be e-mailed to HOPWA fiscal analyst within 30 days of completion of the audit but no later than five (5) months and 15 days from the contractor/subcontractor fiscal year end.</p>

Item	A-133 Audits	Audited Financial Statement
	<p>ninth month following the end of the non-profit contractor fiscal year.</p>	
<p>Audit Contents</p>	<p>The A-133 audit report should include these minimum components:</p> <ul style="list-style-type: none"> • Independent auditor’s opinion stating that the audit was conducted in accordance with the provisions of A-133 and in accordance with GAGAS. • Audited financial statements. • Schedule of expenditures of federal awards and opinion thereon. • Report regarding the internal controls over compliance with laws and regulations and provisions of contracts or agreements that could have direct and material effect on the federal program. • Schedule of findings and questioned costs. • CAP (if any). • Summary schedule for prior audit findings which includes planned and completed corrective actions (if any). 	<p>The <i>Financial Statement</i> audit, at a minimum, must include:</p> <ul style="list-style-type: none"> • Independent auditor’s opinion stating that the audit was conducted in accordance with GAGAS. • Audited Financial Statements. • Documentation accompanying the Financial Statements. • Separate report in accordance with GAGAS.
<p>Subcontractor Tracking and Review</p>	<p>The contractor tracks all audits received from its subcontractors and follows up for delinquent submittals. If the audit is not received within 30 days of the due date, an electronic “late reminder” is sent to the HOPWA program advisor and fiscal analyst. Electronic reminders are sent every 30 days until the audit is</p>	<p>The contractor tracks all subcontractor audits received and follows up on delinquent submittals. If the audit is not received within 30 days of the due date, an electronic “late reminder” is sent to the HOPWA program advisor and fiscal analyst. Electronic reminders are sent every 30 days until the audit is received.</p>

Item	A-133 Audits	Audited Financial Statement
	received.	
Received Audits	<p>Contractors have 30 days to complete the review of its subcontractor audit reports and issue an electronic memo of compliance or deficiency.</p> <p>Contractor submits an electronic copy of all subcontractor audits and corrective correspondence to HOPWA fiscal analyst.</p>	<p>Contractors have 30 days to complete a review of its non-profit subcontractor audit reports and issue an electronic memo of compliance or deficiency.</p> <p>Contractor submits an electronic copy of all subcontractor audits and compliance correspondence to HOPWA fiscal analyst.</p>
Deficient Audits	The A-133 audit submitted without the minimum components is deficient.	The <i>Financial Statement</i> audit submitted without the minimum components is deficient.
Disclosures	The HOPWA fiscal analyst and program advisor look for disclosures in the A-133 audit that cite any of the following: 1) ongoing concerns/problems; 2) unresolved legal issues; 3) questioned costs; 4) financial hardship; 5) lack of compliance with contracts, laws or regulations; 6) ineffective internal control measures and; 7) control board turnover, etc.	N/A
Corrective Action Plan (CAP) Request and Response	<p>When deficiencies or findings need correction, the HOPWA program advisor will e-mail the contractor requesting a CAP.</p> <p>The contractor must send a written CAP to the HOPWA program advisor within 30 days, indicating how the finding(s) will be addressed (if a copy of the CAP was not included with the submission of the audit). The HOPWA fiscal analyst tracks the CAP, and the program advisor monitors compliance of the CAP during</p>	<p>When deficiencies or findings need correction, the HOPWA program advisor will e-mail the contractor requesting a CAP.</p> <p>The contractor must send a written CAP to OA within 30 days, indicating how the finding(s) will be addressed. The HOPWA fiscal analyst tracks the CAP, and the program advisor monitors compliance of the CAP during the HOPWA site visit.</p>

Item	A-133 Audits	Audited Financial Statement
	the HOPWA site visit.	

Resources

In addition to this guidance, resources to assist contractors with program implementation and compliance are available at the following web links:

OA Website: <http://www.cdph.ca.gov/programs/aids/Pages/tOAHOPWAsp.aspx>

HOPWA Regulations

The HOPWA program is regulated under *Title 24, CFR, Chapter V, Part 574*. The regulations are available at: <http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7>.

OMB Circulars

Contractors must comply with the policies, guidelines, and requirements of *Title 24, CFR, Part 85* (codified pursuant to *Office of Management and Budget [OMB] Circular No. A-102*) and *OMB Circular No. A-87* with respect to acceptance and use of funds under the program by states and units of general local government, including public agencies, and *Circulars Nos. A-110* and *A-122* with respect to the acceptance and use of funds under the HOPWA program by private non-profit entities. www.whitehouse.gov/omb/circulars/index.html

HOPWA Grantee Oversight Resource Guide

To assist grantees and projects sponsors in administering the HOPWA program in accordance with HOPWA regulation and policy, HUD has published the HOPWA Grantee Oversight Resource Guide, available at: https://www.hudexchange.info/resources/documents/HOPWAOversightGuide_Aug2010.pdf

HOPWA Financial Management Oversight Training

The HOPWA financial management oversight training is available at: <http://www.hudhre.info/index.cfm?do=viewHopwaFinancialTraining>

The Financial Training Manual is available at:

<https://www.onecpd.info/resource/1920/hopwa-financial-management-training-manual/>

HOPWA Rental Assistance Guidebook

The *HOPWA Rental Assistance Guidebook* was released by HUD in January 2013 as a resource to assist grantees and contractors in deciding whether a rental assistance program is needed, in developing a rental assistance program, or in refining an existing program. It is available at:

<https://www.hudexchange.info/resources/documents/HOPWARentalAssistanceGuidebook.pdf>

OA recommends that all contractors providing tenant based rental assistance (TBRA) download this guidebook for reference in operating TBRA programs.

HUD CPD Income Calculator

The *CPD Income Eligibility Calculator* is an interactive tool that simplifies determining the income eligibility and assistance amounts for beneficiaries of HUD Community Planning and Development (CPD) programs, including HOPWA. Register on the website below to use the calculator, and enter the requested data. The calculator automatically generates a summary of results for each beneficiary, which should be printed out and added to beneficiary files.

<https://www.hudexchange.info/incomecalculator/>

HUD Income Limits

Annual Income Limits to determine household eligibility can be obtained from the following website: <http://www.huduser.org/portal/datasets/il.html>

Fair Market Rents

The HUD published Fair Market Rents can be obtained at the following website:

<http://www.huduser.org/portal/datasets/fmr.html>

HOPWA Confidentiality User Guide

The *HOPWA Confidentiality User Guide* was released by HUD in November 2013 to provide information on maintaining confidentiality for HOPWA providers of all types – including grantees, project sponsors, subcontractors, and subrecipients – in all roles they may serve. It can be obtained at: [HOPWA Confidentiality User Guide - OneCPD](#)