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Scope of Work

I. Introduction

A. Mission Statement

The goals of CDPH, Office of AIDS (OA) are to minimize new HIV infections; to maximize the number of people with HIV infection who access appropriate care, treatment, support, and prevention services; and reduce HIV/AIDS-related health disparities.

The goals of the federal Housing Opportunities for Persons with AIDS (HOPWA) program are to provide resources and strategies to alleviate or prevent homelessness among persons living with HIV/AIDS (PLWHA) and to ensure these households achieve and/or maintain housing stability and improve their access to HIV/AIDS care, treatment, and support.

The services required by the Scope of Work (SOW) are consistent with, and are designed to support, these goals.

B. Service Overview

CDPH utilizes HOPWA funds granted by the *U.S. Department of Housing and Urban Development (HUD)* to provide support for HIV/AIDS housing assistance and supportive services in local areas.

The purpose of this Agreement is to fund a tenant-based rental assistance (TBRA) program that will assist a minimum of ten low-income PWLHA and their families in the Fresno Eligible Metropolitan Statistical Area (EMSA).

Contractor agrees that supportive service needs identified in a beneficiary's Individual Housing and Service Plan will be provided, either funded by HOPWA or any other resource, as part of any HOPWA-assisted housing.

Through this Agreement, Contractor agrees to administer the HOPWA program.

C. Service Location

The services shall be performed at applicable facilities in the County of Fresno.

II. HOPWA Program

A. HOPWA Services

Contractor shall ensure funds are utilized through direct service or through subcontracting agencies in accordance with *Code of Federal Regulation (CFR) Title 24 - Housing and Urban Development, Part 574 – Housing Opportunities for Persons with AIDS Program regulation (24,CFR, Part 574); HUD Community Planning and Development Policies; HUD resource guides; HOPWA Request for Application Number 12-10480; and OA Management Memoranda.*

The following describes each eligible program activity and its specific program requirements:

1. Tenant-Based Rental Assistance Subsidies

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- a. Rental subsidies that are provided to the beneficiary/household to be used in any eligible unit chosen by the beneficiary. If the beneficiary moves, the rental subsidy remains with the beneficiary to be used in another eligible unit.
- b. Maximum rent subsidies, tenant rent payment calculations and habitability standards, including lead based paint and smoke detector code requirements, apply to TBRA as follows:

- i. Housing Quality Standards – *24,CFR, Part 574.310(b)*

Prior to residency, each unit assisted with HOPWA funds must meet the applicable Housing Quality Standards (HQS). Except for variations resulting from the application of HUD-approved local standards, HQS includes standards relating to structural soundness, space, security, access, interior air quality, water supply, thermal environment, electrical, food preparation and refuse disposal, and sanitary conditions of the unit. HOPWA regulations provide additional information regarding HQS, and detailed information may be obtained from HUD or CDPH. HOPWA-assisted units must be inspected periodically to determine ongoing compliance with HQS.

- ii. Lead-Based Paint and Fire Safety

Housing units subsidized with HOPWA funds must be in compliance with federal regulations concerning lead based paint and fire safety as set forth in the *Lead-Based Paint Poisoning Prevention Act of 1973* and the *Fire Administration Authorization Act of 1992*. Rental assistance documentation should include sections on lead-based paint and smoke detectors that incorporate the provisions of the federal regulations.

- iii. Resident Rent Payment – *24, CFR, Part 574.310(d)*

HOPWA regulations state that each person receiving rental assistance under this program must pay as rent, including utilities, an amount which is the **highest** of:

- Option 1 – 10 % of monthly annual income
- Option 2 – 30 % of monthly adjusted income
- Option 3 – Welfare payment specifically designated to meet housing costs.

- iv. Utility Allowance

If resident is paying their own utility costs such as gas, electricity, water, garbage, or sewer, Contractor may deduct a utility allowance from the resident base rent calculation. A utility allowance should be based upon average costs of a particular utility in a particular type and size of unit. Public housing authorities maintain and update annually a schedule of utility allowances for their locale.

- v. Maximum Rent Subsidy – *24,CFR, Part 574.320(a)(1)*

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

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

vi. Rent Standard – *24, CFR, Part 574.320(a)(2)*

The rent standard shall be no more than the published *Section 8 Fair Market Rents (FMR)* for Fresno County (or the HUD approved community-wide exception rent). However on a unit by unit basis, OA may approve an increased amount by up to 10% for up to 20% of the units assisted.

vii. Rent Reasonableness – *24,CFR, Part 574.320(a)(3)*

The 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 the owner for comparable unassisted units.

viii. Leases and Housing Payment Contracts

TBRA involves the use of a lease or rental agreement between the owner and the tenant, with standard provisions, such as the requirement that the lease or agreement term be at least one year. A shorter term may be allowed if it would improve the housing opportunity for the tenant and such shorter term is the prevailing local market practice.

In addition to the tenant/owner lease or rental agreement, Contractor must have a program participation agreement with the landlord/property owner defining the responsibilities of Contractor and the landlord. A sample rental assistance landlord contract is provided in the *HOPWA Rental Assistance Guidebook*: [HOPWA Rental Assistance Guidebook](#)

ix. Termination of Assistance – *24,CFR, Part 574.310*

Contractor must establish a beneficiary rights and responsibilities statement, grievance and appeals procedures, and program termination policies, and ensure that beneficiaries are aware and acknowledge receipt of the procedures.

The termination policy should include at a minimum the following:

Death: Surviving family members may continue to receive housing assistance and/or supportive services for a grace period of up to one year following the death of the family member with HIV/AIDS (OA recommends the grace period be no less than 60 days for TBRA).

Violation of requirements: Beneficiaries may be terminated from the program for failing to meet program or occupancy requirements, including:

- Non-compliance with conditions of occupancy
- Income-eligibility
- Fraud

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Contractor must ensure that:

- Supportive services are provided so that beneficiary assistance is terminated in only the most severe cases;
- Beneficiary case files include documentation of supportive services offered;
- The beneficiary rights and responsibilities statement is adhered to;
- A HOPWA termination form is completed and a copy is given to the beneficiary;
- A formal written process is developed which allows for due process. The process must include, at a minimum:
 - Written notice with a clear statement of reasons for termination;
 - Allowance for review and rebuttal by tenant; and
 - Prompt written notice of final decision.

x. Beneficiary Application Process

Establish and implement an application-based beneficiary intake process to ensure that eligible HOPWA beneficiaries will be served.

xi. Waiting List

Establish and maintain a waiting list of applicants based on date and time of application or other method approved by OA. Ensure that all eligible applicants are notified of the waiting list process.

xii. Housing Service Plans

Develop an ongoing assessment of housing assistance and supportive services required by the beneficiaries (e.g., Individual Housing and Service Plans), including an annual assessment of their housing situation, and appropriate determination of rental subsidies or other support. The Individual Housing and Service Plan should include sufficient outcome information to allow Contractor to report the annual results in the HOPWA Progress Report (HPR) under beneficiary outcome goals of achieving stable housing, reducing risk of homelessness, and improving access to healthcare and other support.

xiii. Annual Recertification

Annual recertification of beneficiaries participating in the TBRA program is required. Recertification includes income eligibility, rent payment calculation and a unit inspection. In addition to annual recertification, beneficiaries may request interim rental adjustments based on increases or decreases in income.

To ensure that beneficiaries are recertified in a timely manner, as required under federal HOPWA regulations, the recertification and the unit inspection process should commence 90 days prior to the annual deadline.

xiv. Fee Prohibition

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Contractor shall not charge any fee, except rent, to any eligible person for housing or services provided by HOPWA.

2. Supportive Services

- a. 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.
- b. OA policy requires that not more than 20% of a contractor's HOPWA allocation be used for supportive services.
- c. The following supportive service category is allowed under this Agreement. CDPH has developed the following definition. Any definition provided through future HUD guidance will supersede this definition:

- Housing Case Management

The primary focus of a Housing Case Manager is ensuring the housing stability of the beneficiarys receiving TBRA. The Housing Case Manager's responsibility is to assist the beneficiary in developing goals to overcome barriers to stable housing and improve access to HIV/AIDS care and support.

The key duties of a Housing Case Manager are as follows:

- Initial comprehensive assessment of beneficiary needs and personal support systems;
- Development of a comprehensive housing plan for beneficiarys, including affordable, stable housing, supportive services, and medical care;
- Coordination of the services required to implement the comprehensive housing plan;
- Beneficiary monitoring to assess the progress and efficacy of the comprehensive housing plan;
- Periodic re-evaluation and revision of the plan as necessary;
- Beneficiary-specific advocacy; and
- Coordination of benefits.

3. Activity Delivery Costs

- a. *24, CFR, Part 574.3* – Costs directly related to carrying out eligible HOPWA activities.

Activity delivery costs for TBRA may include personnel and operating costs associated with, but not limited to:

- publicizing the program;
- briefing applicants, participants, and owners;
- receiving and reviewing household applications;
- determining and verifying household income and eligibility;
- setting up household files;

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- conducting initial unit inspections;
- certifying and documenting rent reasonableness;
- landlord lease negotiations and contracts;
- waiting list management;
- collaboration with service provider agencies;
- processing landlord subsidy payment checks; and
- travel and overhead costs related to delivery of service.

Activity delivery costs may not exceed fifteen 15% of funds budgeted for TBRA subsidy payments.

4. Program Administration Fee

24, CFR , Part 574.300(10)(ii) – Contractor may use up to 7% of the amounts received for program administration costs. Administrative costs are general management, oversight, coordination, evaluation, and reporting on eligible activities.

B. Contractor shall:

- Where required by HOPWA regulation, obtain the certification of the local governing board in the jurisdiction where activities are to be carried out (not applicable for beneficiary-based activities such as TBRA, and supportive services);
- Ensure that HOPWA funds are not used to replace other amounts made available or designated by state or local governments through appropriations for use for the purposes of this program;
- Comply with *Exhibit D(F) Section 5* of this Agreement when entering into subcontracts with HIV/AIDS housing or service agencies;
- Ensure that any subcontracted agencies have the organizational and administrative capabilities to support the program services and activities. Contractor is responsible for quality assurance and utilization review activities for subcontracted HIV care services;
- Ensure that any subcontracted agencies have appropriate facilities and resources, including an adequate physical plant and appropriate supplies and equipment available for the provision of services and practical support functions;
- 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 where the household is low income as defined by HUD;
- Establish an application-based intake process to ensure eligible HOPWA beneficiaries will be served;
- Ensure an assessment of need and a Individual Housing and Service Plan plan is completed for every beneficiary receiving housing assistance;
- Make available appropriate supportive services to beneficiaries in HOPWA assisted housing. The supportive services may be funded through HOPWA or any other funding resource;
- Charge no fee, except rent, to any eligible beneficiary for any housing or services provided with amounts under this program. Ensure that all housing (except for the current residence of an eligible beneficiary seeking short-term rent, mortgage, and utility payments) meets the housing quality standards set forth in HOPWA regulations;
- Ensure that residents of rental housing assisted under the HOPWA program pay as rent, including utilities, an amount not to exceed the higher of:

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- 30% of the household's adjusted monthly income (adjusted for age, medical expenses, size of household, and child care expenses); or
 - 10% of the family's monthly gross income; or
 - Welfare payments specifically designated to meet housing costs.
- Assure the protection of the beneficiary's privacy and confidentiality at all times as required by California and federal laws (including, without limitation, *Health and Safety Code sections 120980, 121022 and 121025*). Contractor and its employees (and the employees of any subcontractor as well) who will have access to confidential public health information shall be required to sign confidentiality agreements each year prior to being given access to the confidential information, as required by *Health and Safety Code section 121022(f)* (See *Exhibit __* attached to this contract). In addition, federal law requires that individuals have a right of access, to inspect, and obtain a copy of their Protected Health Information (PHI) in a designated record set, for as long as the health information is maintained by a CDPH health plan, CDPH providers, or business associates. There are limited exceptions to an individual's right of access PHI (*45, CFR., 164.524*);
 - Establish a process to ensure the confidentiality of the beneficiaries served under this program;
 - Establish a beneficiary grievance and appeals procedure;
 - Establish program termination policies in accordance with *24, CFR, Part 574.310*;
 - Maintain a waiting list of applicants for assistance based on date and time of application or other method approved by OA;
 - Cooperate and coordinate in providing assistance with the agencies of the relevant state and local governments responsible for services for eligible persons and other public and private organizations providing services for such eligible persons;
 - 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 expenditures;
 - Ensure services will be provided in a setting that is accessible to low-income individuals with HIV disease;
 - Adopt procedures to ensure all persons who qualify for assistance, regardless of race, color, religion, sex, age, national origin, familial status, sexual orientation, or disability, know of the availability of the HOPWA program, including facilities and services accessible to persons with a disability, and maintain evidence of implementation of the procedures;
 - Comply with the nondiscrimination and equal opportunity requirements set forth in *24 CFR Part 5*, all Fair Housing requirements, and all applicable provisions of the Americans with Disabilities Act as well as *28, CFR, Part 35 and 36* regarding accommodations for persons with disabilities;
 - Maintain records for a four-year period to document compliance with the provisions of the HOPWA Program;
 - Comply with the policies, guidelines, and requirements of *24, CFR, Part 85* (codified pursuant to *Federal 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;
 - Adhere to and comply with all applicable environmental procedures and standards as required by *24, CFR, Part 574.510*;
 - Adhere to and comply with all applicable lead-based paint hazard reduction requirements set forth in *24, CFR, Part 35, Subparts J, M or K*, depending upon the HOPWA activities being performed;

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- Collect and report data necessary to complete the HOPWA activity progress form as required by HUD's Integrated Disbursement and Information System (IDIS) and the HUD Consolidated Annual Performance and Evaluation Report (CAPER);
- Collect and report financial and invoicing data necessary to complete HOPWA IDIS fund disbursement process;
- Comply with federal regulations regarding participation in the Homeless Management Information System (HMIS). Contractors with a mission of serving homeless persons and receiving HOPWA funds are required to participate;
- Comply with federal relocation laws in the event of tenant displacement from housing acquired or rehabilitated with HOPWA funds; and
- Comply with all other federal requirements set forth in the HOPWA regulations.

C. Allowable Informal Scope of Work Changes

- Pursuant to *California Health and Safety Code Section 38077(b)(2)*, when utilizing the "allowable costs payment system" defined as a maximum allowable amount, changes and revisions to the SOW may be proposed by Contractor in writing. Failure to notify the State of proposed revisions to the SOW may result in an audit finding.
- CDPH will respond, in writing, as to the approval/disapproval of all such requests for changes or revisions to the SOW within 30 calendar days of the date the request is received. Should the CDPH fail to respond to Contractor's request within 30 calendar days of receipt, Contractor's request shall be deemed approved.
- CDPH may also request changes and revisions to the SOW. CDPH will make a good-faith effort to provide Contractor 30 calendar days advance written notice of said changes or revisions.

D. Monitoring Activities

Contractor shall:

- Conduct site visits and document/monitor the activities of subcontracted agencies to ensure contractual compliance not less than once every year. For all deficiencies cited in Contractor's monitoring report, develop a corrective plan, submit to CDPH for approval, and implement the plan.
- Provide any necessary assistance to CDPH in carrying out CDPH monitoring activities and inspection rights for both contractors and subcontracted agencies, as provided in this Agreement.
- Make available to authorized CDPH and/or federal representatives all records, materials, data information, and appropriate staff required for monitoring or inspection activities.
- For all deficiencies cited in the CDPH's monitoring report, develop a corrective plan, submit to CDPH for approval, and implement the plan. Provide the corrective plan to the State within 30 days of receipt of the monitoring report.

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E. Data Collection and Reporting Requirements

The Contractor must ensure that it and any subcontracting agency(ies) develop an ongoing assessment of the housing assistance and supportive services required by the participants (e.g., Individual Housing and Service Plans), including an annual assessment of their housing situation, an appropriate determination of rental subsidies or other support, and a report on the annual results of program activities under the HOPWA beneficiary outcome goals of achieving stable housing, reducing risk of homelessness and improving access to healthcare and other support for beneficiaries.

1. Reporting Requirements.

- Format: Contractor shall submit data in a format designated by OA, either electronically or on a standard paper form to be provided by OA. The report form, *HOPWA Progress Report* (HPR), is provided by OA through a Management Memorandum and/or posting to the OA website.
- HPRs include cumulative data and are due as follows:

Report	Period	Due to OA
Midyear	November 1 to December 31	January 31, 2014
Final Report	September 1 to June 30	July 15, 2014
Midyear	July 1 to December 31	January 31, 2015
Final Report	July 1 to June 30	July 15, 2015
Midyear	July 1 to December 31	January 31, 2016
Final Report	July 1 to June 30	July 15, 2016

- The cumulative reports shall contain the following minimum data set:
 - i. Performance Goals

HOPWA Program Activity	Estimated Number of Households Assisted For each Fiscal Year (July 1 – June 30)		
	Year 1	Year 2	Year 3
TBRA			
Supportive Service – housing case management			

- ii. Overall accomplishments and barriers encountered.
- iii. Information on its own agency and each subcontracting agency including, but not limited to: name, address, Data Universal Numbering System (DUNS) number, Employer Identification Number/Tax Identification Number, contract amount, Congressional district, area served, and organizational status, such as nonprofit, faith-based or “grassroots”.
- iv. HOPWA funds budgeted and expended to date.

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- v. Amount of other funds used in conjunction with HOPWA funded activities.
- vi. Sites and units of housing and households served with HOPWA funds and Non-HOPWA funds in conjunction with HOPWA activities.
- vii. Beneficiary information including HIV/AIDS status, age, gender, household income, and racial and ethnic data on program participants including family members.
- viii. Living situation of eligible beneficiary upon entering program.
- ix. Destination upon exit of the program or at the end of program year.
- x. Performance outputs and outcomes demonstrating improvements in eligible beneficiary's housing stability and access to HIV treatment and other healthcare and support and reduced risk of homelessness.

- **Minimum Data Sets**

Contractor shall ensure that it and any subcontracting agency(ies) collect the minimum data set listed above. The minimum data set includes data elements required by HUD to complete the CAPER which is submitted to HUD by CDPH.

- **Additional Reporting Requirements**

Acceptance of this Agreement indicates Contractor's agreement to comply with future data and reporting requirements by OA and/or HUD.

AIDS Regional Information and Evaluation System (ARIES)

ARIES is a centralized HIV/AIDS beneficiary management system that allows for coordination of beneficiary services and provides comprehensive data for program reporting and monitoring. HOPWA intake and assessment screens are available in ARIES, and HOPWA reporting capabilities will be available in 2013 for ARIES users. All HOPWA contractors shall utilize ARIES for HOPWA.

Homeless Management Information System (HMIS)

Contractor or subcontractor organizations with a priority mission to serve homeless persons and receive HOPWA funding are required by federal regulation to participate in their local HMIS. Contractor or subcontractor organizations with a priority mission to serve persons living with HIV/AIDS and periodically assist beneficiaries that are homeless are encouraged to participate in their local HMIS.

- **Data Encryption**

Contractor shall adhere to the Information Privacy and Security Requirements (Exhibit J). In addition to the procedures set forth in the Information Privacy and Security Requirements exhibit, Contractors must ensure that all mobile devices are equipped with encryption software, even if the Contractor or their subcontracted agencies do not store confidential information on the mobile devices.

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F. Monitoring Activities

- Conduct site visits and document/monitor the activities of subcontracted agencies to ensure contractual compliance not less than once every year. For all deficiencies cited in Contractor's monitoring report, develop a corrective plan, submit to the OA for approval, and implement the plan.
- Provide any necessary assistance to the OA in carrying out OA monitoring activities and inspection rights for both Contractors and subcontracted agencies, as provided in this Agreement.
- Make available to authorized State and/or federal representatives all records, materials, data information, and appropriate staff required for monitoring or inspection activities.
- For all deficiencies cited in the OA's monitoring report, develop a corrective plan, submit to the OA for approval, and implement the plan. Provide the corrective plan to the OA within 30 days of receipt of the monitoring report..

G. Definition of Terms

- HOPWA – Housing Opportunities for Persons With AIDS Program – A grant made available to CDPH from the United States Department of Housing and Urban Development (HUD) which is governed by the following: the *AIDS Housing Opportunity Act, 42 USC 12901 et seq, the HOPWA program regulations, 24,CFR,Part 574, and the Consolidated Plan regulations, 24, CFR, Part 91*. The purpose of the grant is to provide resources and incentives to devise comprehensive strategies for meeting various types of housing needs for persons living with HIV/AIDS.
- Project Sponsor – A nonprofit organization or governmental housing agency that receives HOPWA funds under a contract with OA to carry out eligible HOPWA activities. A contractor carrying out direct HOPWA services is a project sponsor.
- HIV_– Human Immunodeficiency Virus.
- AIDS – Acquired Immunodeficiency Syndrome.
- PLWHA – People living with HIV/AIDS.
- Family - A household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well being, and the surviving member or members of any family described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death
- Household – A single individual or a family for which household incomes are used to determine eligibility and for calculation of the resident rent payment, where applicable. Paid caregivers and non-beneficiaries who reside in a shared unit are not considered part of the household.
- Low Income – A household whose income does not exceed 80% of the median income for the county of residence, as determined by HUD, with adjustments for smaller and larger households.
- HOPWA Eligible Person - A low-income person with HIV/AIDS who qualifies the household for HOPWA assistance. This person may be considered "Head of Household." Where there is more than one person with HIV/AIDS in the household, the additional person(s) with HIV/AIDS, would be considered a beneficiary(s).

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- Beneficiary – a beneficiary is any individual who received HOPWA housing assistance during the Agreement period, and includes all members of the household receiving assistance.
- Grassroots Organization – an organization that is headquartered in the local community which it provides services; and (a) has a social services budget of \$300,000 or less; or (b) has six or fewer fulltime equivalent employees. Local affiliates of national organizations are not considered “grassroots”.