



**CITY OF AUSTIN**  
**Austin Public Health**

**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**  
**Program Guidelines**

Required Topics for Written Standards:

- Participant eligibility
- Coordination among providers
- Participant contributions for housing assistance
  - Duration and amount of assistance
  - Provision of supportive services
- Criteria for selecting households that will receive assistance
  - Housing Quality Standards inspections
- Payments to landlords and other housing providers
  - Termination of assistance
  - Program complaints and appeals
  - Data collection and reporting
    - Confidentiality
    - Program income
  - VAWA requirements

**Definitions:** Terms used herein will have the following meanings:

- **Acquired immunodeficiency syndrome (AIDS) or related diseases:** means the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
- **Administrative costs:** Costs for general management, oversight, coordination, evaluation, and reporting on eligible activities. Such costs do not include costs directly related to carrying out eligible activities, since those costs are eligible as part of the activity delivery costs of such activities.
- **Facility-Based Housing Assistance:** All eligible HOPWA Housing expenditures for or associated with supporting facilities including community residences, SRO dwellings, short-term facilities, project-based rental units, master leased units, and other housing facilities approved by HUD.
- **Faith-Based Organization:** Religious organizations of three types: (1) congregations; (2) national networks, which include national denominations, their social service arms (for example, Catholic Charities, Lutheran Social Services), and networks of related organizations (such as YMCA and YWCA); and (3) freestanding religious organizations, which are incorporated separately from congregations and national networks.

- **Family:** is defined in 24 CFR 5.403 and includes one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or 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.
- **HOPWA Eligible Individual:** The one (1) low-income person with HIV/AIDS who qualifies a household for HOPWA assistance. This person may be considered "Head of Household." When the CAPER asks for information on eligible individuals, report on this individual person only. Where there is more than one person with HIV/AIDS in the household, the additional PWH/A(s), would be considered a beneficiary(s).
- **HOPWA Housing Information Services:** Services dedicated to helping persons living with HIV/AIDS and their families to identify, locate, and acquire housing. This may also include fair housing counseling for eligible persons who may encounter discrimination based on race, color, religion, sex, age, national origin, familial status, or handicap/disability.
- **Household:** A single individual or a family composed of two or more persons for which household incomes are used to determine eligibility and for calculation of the resident rent payment. The term is used for collecting data on changes in income, changes in access to services, receipt of housing information services, and outcomes on achieving housing stability. Live-In Aides (see definition for Live-In Aide) and non-beneficiaries (e.g. a shared housing arrangement with a roommate) who resided in the unit are not reported on in the CAPER.
- **Master Leasing:** Applies to a nonprofit or public agency that leases units of housing (scattered-sites or entire buildings) from a landlord, and subleases the units to homeless or low-income tenants. By assuming the tenancy burden, the agency facilitates housing of clients who may not be able to maintain a lease on their own due to poor credit, evictions, or lack of sufficient income.
- **Operating Costs:** Applies to facility-based housing only, for facilities that are currently open. Operating costs can include day-to-day housing function and operation costs like utilities, maintenance, equipment, insurance, security, furnishings, supplies and salary for staff costs directly related to the housing project but not staff costs for delivering services.
- **Permanent Housing Placement:** A supportive housing service that helps establish the household in the housing unit, including but not limited to reasonable costs for security deposits not to exceed two months of rent costs.
- **Program Income:** Gross income directly generated from the use of HOPWA funds, including repayments. See grant administration requirements on program income at 2 CFR 200.307.
- **Project-Based Rental Assistance (PBRA):** A rental subsidy program that is tied to specific facilities or units owned or controlled by a project sponsor. Assistance is tied directly to the properties and is not portable or transferable.
- **Project sponsor:** Any nonprofit organization or governmental housing agency that receives funds under a contract with the grantee to carry out eligible activities under this part. The selection of project sponsors is not subject to the procurement requirements of 2 CFR part 200, subpart D.
- **Short-Term Rent, Mortgage, and Utility (STRMU) Assistance:** A time-limited, housing subsidy assistance designed to prevent homelessness and increase housing stability. Grantees may provide assistance for up to 21 weeks in any 52-week period. The amount of assistance varies per client depending on funds available, tenant need and

program guidelines.

- **Tenant-Based Rental Assistance (TBRA):** TBRA is a rental subsidy program similar to the Housing Choice Voucher program that grantees can provide to help low-income households access affordable housing. The TBRA voucher is not tied to a specific unit, so tenants may move to a different unit without losing their assistance, subject to individual program rules. The subsidy amount is determined in part based on household income and rental costs associated with the tenant's lease.

### **General:**

The Austin Eligible Metropolitan Statistical Area (EMSA) is located in central Texas and has received HOPWA funding since 1995. The EMSA serves Bastrop, Caldwell, Hays, Travis and Williamson counties, which covers 4,281 square miles. The largest city, Austin, lies in Travis County, where the majority of PLWHA reside. The City of Austin Housing and Policy Development Office (HPD) is designated by the Austin City Council as the single point of contact to the Department of Housing and Urban Development (HUD) for the City's CDBG, HOME, HOPWA, and ESG grant programs. The HOPWA program is administered by the HIV Resources Administration Unit (HRAU) of the Austin Public Health Department (APH).

The goal of the HOPWA program is to prevent homelessness and to support independent living of persons living with HIV/AIDS.

### **Eligible Organizations**

The subrecipient must be a unit of local government or a private, non-profit organization, as defined by the Internal Revenue Service tax code, evidenced by having a Federal identification number, filed articles of incorporation, and written organizational by-laws.

### **Ineligible Organizations**

An organization will not be eligible to apply for HOPWA funds if it meets the following conditions:

- A. Outstanding audit or monitoring findings, unless appropriately addressed by a corrective action plan;
- B. Current appearance on the List of Suspended and Debarred Contractors;
- C. Terms and conditions of existing contract are not in full compliance;
- D. History of non-performance with contracts.

### **Client Eligibility**

Persons that are medically diagnosed with HIV/AIDS, reside in the Austin EMSA, and whose income below 80 percent of the Area Median Income (AMI) and their families are eligible to receive HOPWA-funded assistance. Eligibility criteria may be limited by Project Sponsors with prior approval from the Grantee.

### **Eligible Activities**

HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs. These include, but are not limited to:

- A. Housing information services including, but not limited to, counseling, information, and referral services to assist an eligible person to locate, acquire, finance, and maintain housing.
- B. Resource identification to establish, coordinate and develop housing assistance resources for eligible persons (including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives)
- C. Acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services;
- D. New construction (for single room occupancy (SRO) dwellings and community residences only).
- E. Project- or tenant-based rental assistance (PBRA or TBRA), including assistance for shared housing arrangements;
- F. Short-term rent, mortgage, and utility (STRMU) payments to prevent the homelessness of the tenant or mortgagor of a dwelling;
- G. Supportive services including, but not limited to, health, mental health, assessment, permanent housing placement, drug and alcohol abuse treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local, State, and Federal government benefits and services, except that health services may only be provided to individuals with acquired immunodeficiency syndrome or related diseases and not to family members of these individuals;
- H. Operating costs for housing including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and other incidental costs;
- I. Technical assistance in establishing and operating a community residence, including planning and other pre-development or pre-construction expenses and including, but not limited to, costs relating to community outreach and educational activities regarding AIDS or related diseases for persons residing in proximity to the community residence;
- J. Administrative expenses that are no greater than 3% of the total award for Grantee and no more than 7% of the award received by each Project Sponsor.

**Ineligible Activities/Expenses**

The following are **ineligible** for HOPWA assistance:

- A. Grant funds will not be used to make payments for health services for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to that item or service: under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or by an entity that provides health services on a prepaid basis.
- B. Payments for housing that does not meet the applicable Housing Quality Standards

**Grantee reserves the right to declare ineligible any and all items not listed above in item VI.**

### **Lead-Based Paint Requirements**

HUD's lead-based paint rules apply to all housing assisted through rental assistance (tenant- or project-based), facility-based, and through short-term rent, mortgage, and utility assistance. Specifically, lead-based paint rules apply when:

- A. Housing to be assisted was constructed before 1978; and
  - B. Residents will include a pregnant woman or a child 6 years of age or younger.
- Note: Studio units are exempt.

All housing meeting the above criteria must receive a lead-based paint visual assessment before assistance may be provided. Staff must complete an online training course before they are allowed to perform assessments. This training can be found at:

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

### **Application Process**

At its discretion, the City may use a competitive Request for Application and comprehensive review process to award HOPWA funding to service providers. Activities have been developed that are consistent with the City's Consolidated Plan, in compliance with local, state, and Federal requirements and the governing regulations for use of HOPWA funds, and in conformance with program guidelines. The City will work with selected subrecipients to ensure that project costs are reasonable, appropriate, and necessary to accomplish the goals and objectives of the City's overall HOPWA Program. The subrecipient must be able to clearly demonstrate the benefits to be derived by the services provided to persons living with HIV/AIDS, and to low-to-moderate income families. Performance measures will be established in the contract.

### **Applications**

*Not Applicable*

### **Appeals**

The decisions of the City are final.

### **Contracting**

Subrecipients must enter into a written contract with the City for performance of the project activities. Once a contract is signed, the subrecipient will be held to all agreements therein.

Members of the subrecipient organization, volunteers, residents, or subcontractors hired by the organization may carry out activities. Subrecipients must enter into a written contract with the subcontractors carrying out all or any part of a HOPWA project. All subcontractors must comply with the City and Federal procurement and contracting requirements.

All contracts are severable and may be canceled by the City for convenience. Project funding is subject to the availability of HOPWA funds and, if applicable, City Council approval.

- A. **Use of HMIS:** Activities that utilize homelessness status as an eligibility criteria are required to utilize the local Homeless Management Information System (HMIS) to track and report basic client information.
- B. **Amendments** Any amendments to a contract must be mutually agreed upon by the subrecipient and the City, *in writing*. Amendment requests initiated by the subrecipient must clearly state the effective date of the amendment, in writing. City staff will determine if an amendment request is allowable. The City reserves the right to initiate amendments to the contract.

### **Liability**

Subrecipients shall provide Certificates of Insurance to The City within 14 calendar days after written request. The City's Risk Management Department will review and approve the liability insurance requirements for each contract.

### **Project Management**

Management and operation of approved projects is the responsibility of the subrecipient. The subrecipient is the entity that will receive the City contract. Therefore, the subrecipient has the overall responsibility of the project's successful completion. The subrecipient must indicate the individual(s) who will have overall responsibility for each approved project.

The subrecipient must manage their contract and maintain records in accordance with City and Federal policies, and must be in accordance with sound business and financial management practices, which will be determined by the City.

Monthly Payment Requests and Expenditure Reports shall be submitted, in a format prescribed by the City, by the **15<sup>th</sup> calendar** day of the month after the reporting month's end, which identify the allowable expenditures incurred under this contract. Quarterly performance reports shall be submitted, in a format prescribed by the City, by the **15<sup>th</sup> calendar** day of the month after the quarter end, which identify the activities accomplished under this contract.

At completion of all activities, a Contract Closeout Report must be submitted **within 30 days** of the end of the contract. The subrecipient is required to supply such information, in such form and format as the City may require. All records and reports must be made available to any authorized City representative upon request and without prior notice.

The HOPWA program year ends on September 30<sup>th</sup>.

### **Limitations**

Income derived from any HOPWA activity must be recorded and reported to The City as program income. Such income may not be retained or disbursed by the subrecipient without written approval from The City and is subject to the same controls and conditions as the subrecipient's grant allocation.

HOPWA funds may not be used for lobbying or for any activities designed to influence legislation at any government level.

A church or religious affiliated organization must show secularism when submitting an application.

**Nondiscrimination and Equal Opportunity**

Grantees and project sponsors shall comply with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101-12213) and implementing regulations at 28 CFR part 35 (States and local government grantees) and part 36 (public accommodations and requirements for certain types of short-term housing assistance).

A grantee or project sponsor must adopt procedures to ensure that all persons who qualify for the assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or handicap, know of the availability of the HOPWA program, including facilities and services accessible to persons with a handicap, and maintain evidence of implementation of the procedures.

The Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply to housing assisted with HOPWA grant funds for acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing; new construction; and operating costs. The requirements also apply to project-based and tenant-based rental assistance, and community residences. The VAWA requirements do not apply to short-term supported housing, except that no individual may be denied admission to or removed from the short-term supported housing on the basis or as a direct result of the fact that the individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual otherwise qualifies for admission or occupancy.