



HOPWA/COVID-19 WAIVERS: MANAGING WAIVER ACTIVITIES AND END DATES

September 17, 2021



Presenters/Facilitators

Collaborative Solutions, HIV Housing & Health Program

Kate Briddell

Crystal Pope

Christine Campbell

Emily Fischbein

OHH Staff available for questions:

Rita Harcrow - Director

Amy Palilonis – Supervisory Housing Specialist



Webinar Topics

This HOPWA Office Hours webinar is intended to address:

- End Dates Provided for All HOPWA COVID-19 Waiver Provisions as of This Webinar Date*
- Suggestions for Managing Activities when Waivers End
- HOPWA Program Flexibilities
- HOPWA/COVID-19 Guidance Updates and Resources
- Participant Q & A

Note: The waiver end dates referenced in this webinar are current based upon information provided by HUD as of 9/17/21. Please be sure to watch for any updates to this information through HUD.gov and the HUD Exchange.



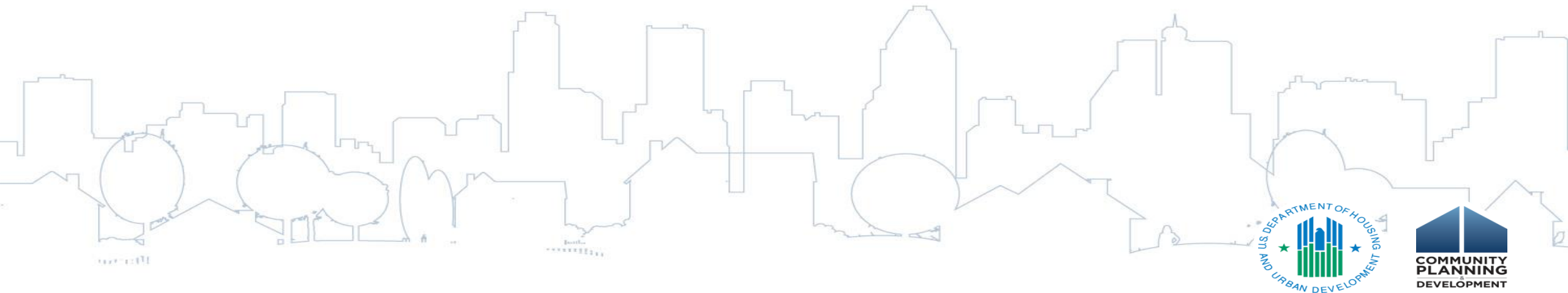
HOPWA Waivers

Beginning on March 31, 2020, HUD'S Office of HIV/AIDS Housing (OHH) issued a series of waiver memos intended to assist HOPWA programs to prevent the spread of COVID-19 and to mitigate against the economic impact caused by COVID-19 for eligible households. **As of June 30, 2021**, two additional waiver memos were issued to extend the deadlines for certain waiver provisions. This webinar provides a brief summary of existing HOPWA/COVID-19 waivers, their current end dates, additional requirements, and recommendations for steps to be taken as waiver deadlines approach.



Submit Your Questions

Please submit your questions at any time throughout the webinar by entering them into the **Q & A box** located on the bottom of your screen.



REVIEW: HOPWA/COVID-19 WAIVERS



Self-Certification of Income and Credible Info on HIV Status

Summary

The waiver permits HOPWA grantees and project sponsors to accept a family member's self-certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance for families and grantees affected by COVID-19.

Important Dates

End date: Waiver availability ends **September 30, 2021** and cannot be utilized beyond that date.

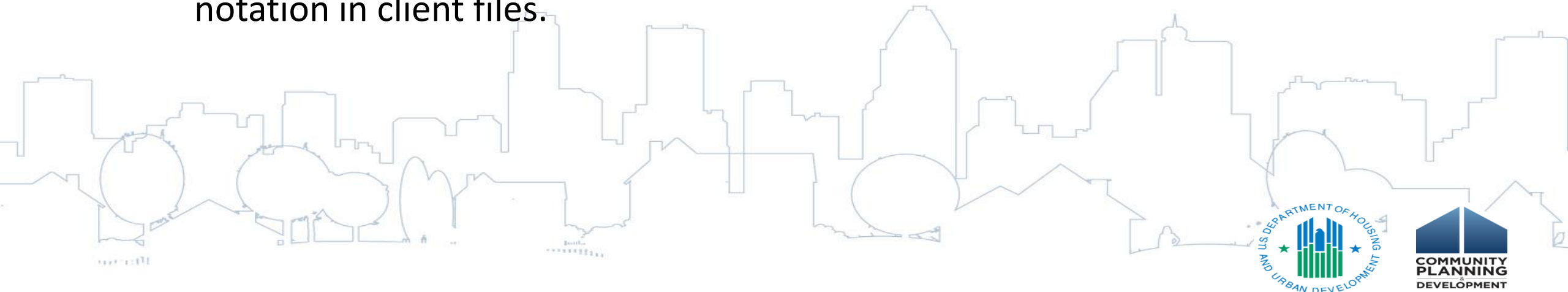
Source Documentation: Grantees must agree to obtain source documentation of HIV status and income eligibility by **September 30, 2021** for any households for which this waiver was utilized.



Self-Certification of Income and Credible Info on HIV Status

Suggested Next Steps and Considerations

1. Grantees should ensure that **procedures** are in place to guide the timing and process for obtaining required source documentation.
2. Develop a **schedule** for obtaining source documentation to guide grantee/sponsor implementation efforts.
3. Document **source documentation efforts and outcomes**, including notation in client files.



Self-Certification of Income and Credible Info on HIV Status

Q: What happens if source documentation reveals that a household is over-income and/or the presumed qualifying member is not HIV+?

A: If household income is determined not eligible due to income and/or HIV status, this should be clearly documented. Assistance must end if the household does not qualify based on the source documentation; however, it is not required for programs to recoup funds spent in good faith based on self-reported information. Additionally, programs should help refer or transition households to other assistance sources to the extent possible.



FMR Rent Standard for HOPWA

Summary

The waiver permits grantees and project sponsors to **establish rent standards that exceed the existing FMR or the grantee's normal rent standard** for the HOPWA program in order to expedite efforts to identify suitable housing units for rent to HOPWA-eligible households that have been affected by COVID-19. To utilize this waiver, grantees are required to ensure the reasonableness of rent charged for a unit in accordance with 574.320(a)(3).



FMR Rent Standard for HOPWA

Important Dates

End date: Waiver availability ends **December 31, 2021** and cannot be utilized to house additional HOPWA-eligible households above FMR/Rent Standard beyond that date.

Date of return to existing FMR/Rent Standard: HOPWA households with existing leases above the rent standard under this waiver are **not required to immediately be returned to the current rent standard as of December 31, 2021**. Programs may utilize a number of strategies to return affected households to the post-waiver rent standard over time in order to help maintain housing stability.



FMR Rent Standard for HOPWA

Suggested Next Steps and Considerations

1. Grantees may allow leases to be signed at a higher rent standard (if rent reasonable) through 12/31/21, but no such leases based on the waiver may be signed after that date.
2. Care should be taken in deciding how many total units are allowed above the FMR/Rent Standard in order to mitigate the ongoing budget impact of the higher rents.
3. Grantees should adopt HOPWA strategies – and develop policies and procedures – for returning HOPWA rental program costs to the prevailing Rent Standard post-waiver.



FMR Rent Standard for HOPWA

Post-Waiver Strategies for Returning Unit Costs to the FMR/Rent Standard

Leases that were executed **within the waiver period** (through 12/31/21) are allowed to remain above the FMR/Rent Standard at least through the end of that lease.

However, grantees have a number of additional options based upon established HOPWA guidance that addresses how to handle units that exceed the normally established rent standards, as explained further in the following slides.

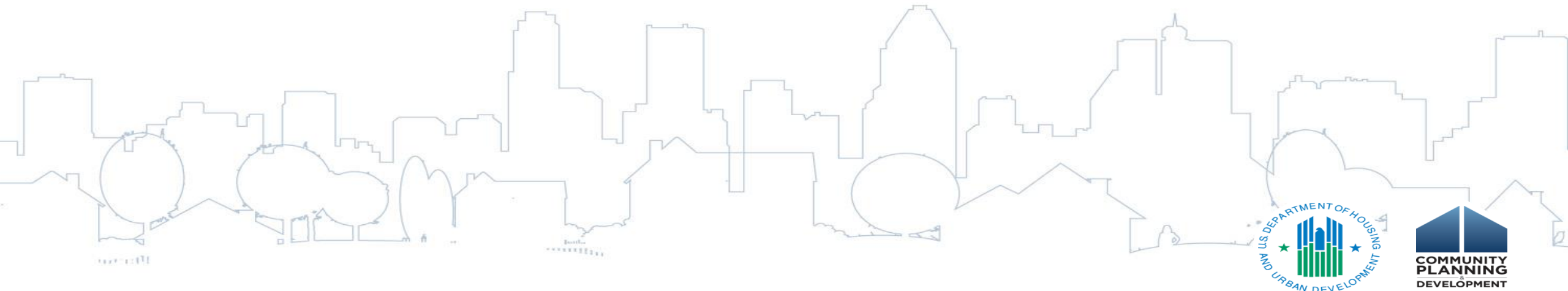
Grantees may utilize any combination of these strategies to allow units to remain above the Rent Standard for a period of time in order to minimize the threat of housing instability for HOPWA-eligible households.



FMR Rent Standard: Post-Waiver Strategies

Option 1:

If the lease ends prior to December 31, 2021, grantees may allow a household to renew their lease at the current rate, even if the rate is above normally established rent standards (i.e., the FMR or HUD community-wide exception rent), provided it meets rent reasonableness and other requirements such as HQS/HOPWA Habitability. In this instance, you should look to additional strategies as the existing lease nears its renewal date.



FMR Rent Standard: Post-Waiver Strategies

Option 2:

Public Housing Authorities (PHAs) have the authority to issue a **community-wide exception rent** standard of up to 110% of the FMR. If your PHA has an established rent standard of 110% of FMR, then grantees may choose to utilize that higher rate as long as it is utilized consistently with all HOPWA households. The higher rate may allow some or all of the above-FMR units to remain in compliance.

Note: The use of PHA community-wide exception rent standards does not include Small Area FMRs. At this time, HOPWA programs may not adopt Small Area FMR as their standard.



FMR Rent Standard: Post-Waiver Strategies

Option 3:

If the unit is above the normally established rent standards (i.e., FMR or HUD community-wide exception rate) and the lease ends after December 31, 2021, and you feel it is warranted, you may, on a **case-by-case** basis allow for this increased rent standard. As permitted by HOPWA regulations (24 CFR 574.320 (a)(2)), a grantee may **increase the amount of the established rent standard by 10% for up to 20% of the units assisted.**

Grantees may grant authority to their project sponsors to conduct such increases; however, it is up to the grantee to monitor such a provision to ensure that no more than 20% of the units receive such increases. This option only allows you to maintain the higher rent standard for a limited number of units but may help avoid moves for some or all households depending upon how many were assisted under the waiver. **Remember that it can only apply to 20% of all units assisted, not just those assisted under the waiver.**



FMR Rent Standard: Post-Waiver Strategies

Option 4:

Chapter 4 of the [HOPWA Rental Assistance Guidebook](#) addresses ways in which a grantee may proceed when the rent standard is lowered. This guidance indicates that if the grantee must lower the rent standard, as in the case with the expiration of the FMR/Rent Standard waiver, a grantee **may wait to apply the new rent standard until the second anniversary of the lease start date to allow for a grace period** for the household to adequately plan for the adjustment (which could include the need to move if the current unit no longer is within the adjusted rent standard). Note that grantees and sponsors using this option must ensure that budgets will allow coverage of the additional costs incurred by maintaining the higher rent standard for a longer period.



FMR Rent Standard: Post-Waiver Strategies

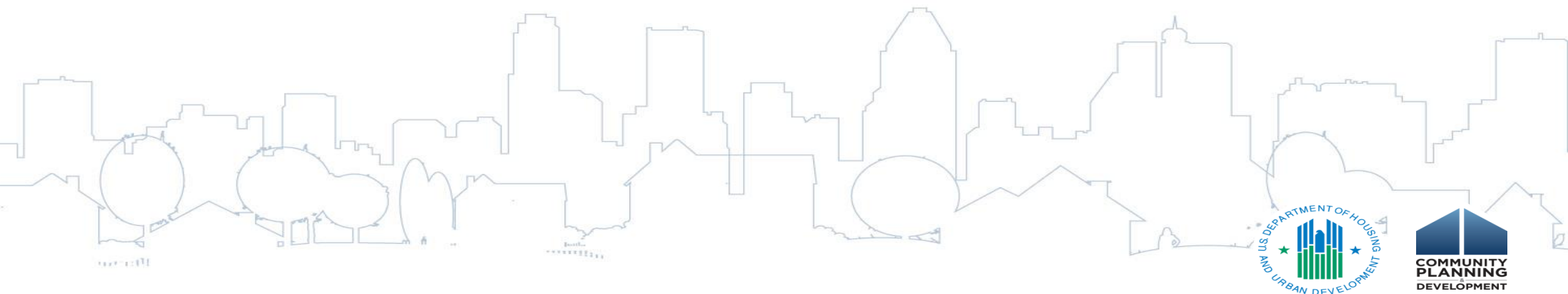
Option 5:

Some grantees and project sponsors have had success in **negotiating renewal leases at a lower cost** which falls within the FMR/rent standard, especially when households are only slightly over the limit. While not all landlords or rental companies will entertain such a proposal, some are willing to reduce the rent to keep a current tenant and avoid turnover costs. **For this option, we recommend beginning conversations with landlords or rental companies at least 60-days before the lease expires;** this will allow for time for the assisted household to provide notice and move to a new unit if the landlord or rental companies are not agreeable to requesting a lower rent.



FMR Rent Standard: Post-Waiver Strategies

If none of these options are workable based on budgets or other constraints, grantees and project sponsors may need to assist the client to move to another unit in the area that falls within the local rent standard at the end of their current lease. Please note **that you may also assist the client with permanent housing placement (PHP) to cover many of the costs of accessing another unit.**



Property Standards for HOPWA

Summary

The waiver allows grantees and project sponsors to waive the physical inspection requirement at 24 CFR 574.310(b) for all HOPWA TBRA and all applicable HOPWA housing units due to COVID-19 safety concerns, providing they are able to visually inspect the unit using remote technology and have policies in place to physically reinspect the units not previously physically inspected by a specified end date, which based on the 6/31/21 extension waiver is **December 31, 2021**.

Note: This waiver pertains only to initial inspections required prior to providing HOPWA rental assistance. It does not apply to annual re-inspections.

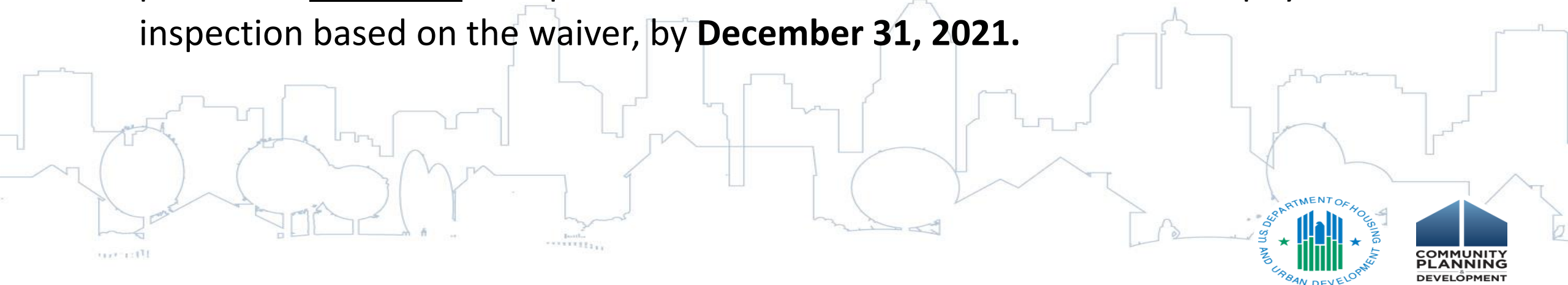


Property Standards for HOPWA

Important Dates

End Date: Waiver availability ends on **Sept. 30, 2021**. After this date, physical (initial) inspections must resume and be conducted prior to approving HOPWA rental assistance in a unit.

Physical Reinspection Date: Grantees and project sponsors must have written policies to physically reinspect the units that did not receive an initial physical inspection based on the waiver, by **December 31, 2021**.



Property Standards for HOPWA

Suggested Next Steps and Considerations

1. Physical inspections for all new initial unit inspections should resume as of **October 1, 2021**.
2. Grantees should work with project sponsors to develop and implement a reinspection schedule to physically inspect all units that received an initial remote inspection utilizing the waiver, completing those physical inspections by **December 31, 2021**.
3. Grantees and project sponsors should have updated policies and procedures in place to guide and document the reinspection process and the return to physical inspections post-waiver, including any additional safety protocols needed.



Property Standards for HOPWA

Q: If our clients, staff and/or landlords have concerns about safety, especially when local COVID rates rise, how should we proceed with physical inspections and still ensure everyone's safety?

A: The safety of client households, staff, landlords and others remains an important priority for the HOPWA program. The return to physical inspections based on the Property Standards waiver ending on September 30, 2021 should be conducted with safety in mind. Grantees and project sponsors are encouraged to implement safety protocols during inspections to help protect all parties. These may include requiring masks and social distancing on site, limiting the number of people who are inside a unit during inspection, opening windows/doors for ventilation and other similar measures.



Annual Re-inspections

Q: We understand that annual re-inspections are not part of the Property Standards waiver, which only relates to initial unit inspections required prior to lease-up. How should our program proceed with scheduling and implementing annual inspections?

A: Grantees and project sponsors are encouraged to return to physical re-inspections for annual unit inspection when they determine the inspections can be done safely based on local conditions. If physical inspections are not yet possible, programs are encouraged to start or continue the practice of conducting virtual re-inspections in order to ensure that units are safe and habitable.

To view a webinar recording on virtual inspection methods, see:

<https://www.hudexchange.info/trainings/courses/hopwa-remote-methods-virtual-inspections-and-intake-initial-and-annual-certifications/>



Annual Re-inspections

Q: If we do not conduct annual inspections, are there other ways to ensure that units are safe?

A: Yes, programs are encouraged to be creative in finding ways to check on clients and client housing conditions. Some suggestions include:

- Check in with clients about their unit conditions using a simple Habitability check-list.
- Ask clients to test smoke detectors.
- If conducting case management by phone, ask the client to FaceTime (if available) or take pictures of any problem areas.
- Note any unit concerns in the case record; relay any safety concerns to the LL.
- Make sure clients know they can call you with concerns about the unit even though inspections are delayed.



TIME LIMITS FOR SHORT-TERM HOUSING AND STRMU

Summary

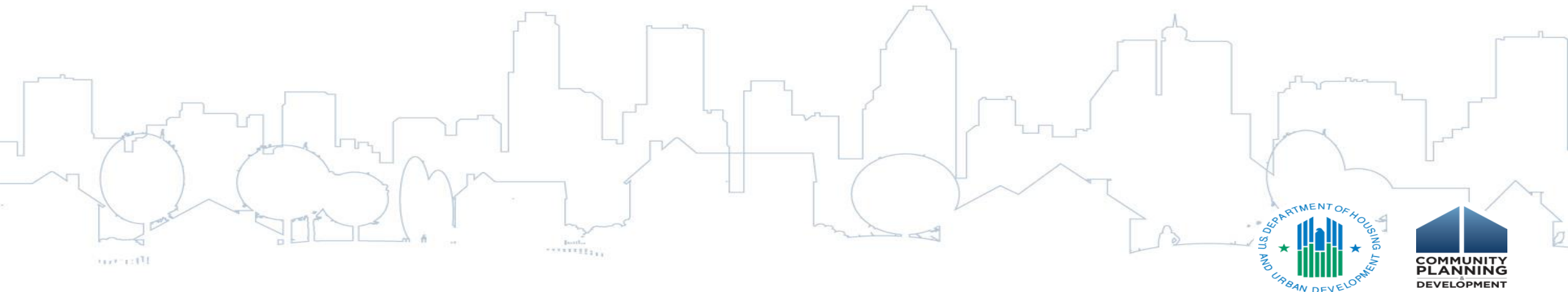
The waiver addresses two HOPWA activities, including **Short-Term Supported Housing** and Short-Term Rent, Mortgage and Utility assistance (**STRMU**). The waiver allows HOPWA-eligible clients/households to be housed in a short-term supported housing facility for a period of up to 120 days (versus 60 days) in a 6-month period. The waiver also provides the option of increasing STRMU assistance to cover costs accruing up to 52 weeks in a 52-week period (versus 21 weeks in a 52-week period). Decisions about providing the extended housing assistance described in the waiver must be made on an individual household basis.



TIME LIMITS FOR SHORT-TERM HOUSING AND STRMU

Important Dates

End date: Waiver availability for extension of short-term supported housing and STRMU assistance ends on **December 31, 2021**.



TIME LIMITS FOR SHORT-TERM HOUSING

Time Limits for Short-Term Supported Housing:

1. Grantees and project sponsors may approve the provision of up to 120 days of housing assistance within a 6-month period, on an individual household basis, through **December 31, 2021**.
2. No new households may be approved for the extended waiver housing assistance after December 31, 2021.
3. If a HOPWA-eligible household is actively receiving short-term supported housing assistance on December 31, 2021 that is expected to continue beyond 60 days in a 6-month period, they may continue to receive the assistance after December 31, 2021, up to the waiver maximum of 120 days in the 6-month period.
4. Grantees should adopt strategies – and develop policies and procedures – to ensure that programs properly end the availability of extended housing under this waiver and transition residents to other housing options, as needed.



TIME LIMITS FOR STRMU

Time Limits for STRMU:

1. Grantees and project sponsors may approve the provision of up to 12 months of accrued costs in a 12-month period, on an individual household basis, through **December 31, 2021**.
2. No new households may be approved for extended STRMU based on the waiver after December 31, 2021.
3. If a HOPWA-eligible household is actively receiving STRMU assistance based on the waiver on December 31, 2021, they may continue to receive STRMU after December 31, 2021, up to the waiver maximum of 12 months in a 12-month period.
4. HOPWA-eligible households in need of additional STRMU assistance but not eligible as the waiver ends may be transitioned to further assistance using HOPWA/CARES Act funding or FY20 funds designated for COVID, if available, which has a maximum of 24 months of assistance.



HOPWA Space and Security

Summary

The waiver allows grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include the temporary placement of families in hotel/motel rooms or areas within facilities, for instance, that may not allow for adequate space and security for themselves and their belongings as defined in 24 CFR 574.310(b)(2)(iii), Space and Security.

Important Dates

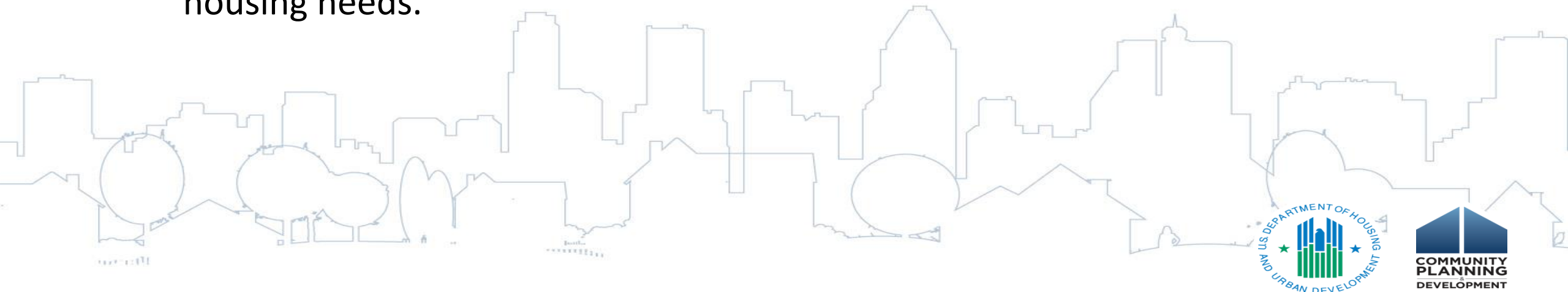
End date: **No specific end date** is established for this waiver. Grantees and project sponsors may continue to utilize this waiver option on a case-by-case basis when warranted by local COVID-19 health conditions and the local need for quarantine or emergency housing space for HOPWA-eligible households.



HOPWA Space and Security

Suggested Next Steps and Considerations

1. Grantees and project sponsors should have policies and procedures in place to guide the use of this waiver provision, including how the use of optional spaces will be approved.
2. Grantees and project sponsors should document the use of the waiver and the reason(s) it is needed, related to COVID-19 quarantine or emergency housing needs.



Reminder: Action Plan Amendments

The option to designate FY 2020 Funds to COVID-19 is still available:

- **HOPWA formula grantees may use a portion of their FY 2020 allocations** on allowable activities to prevent, prepare for, and respond to COVID-19, including the provision of PPE, provided the following actions are carried out:
 1. The COVID-19 activities are identified and approved in their FY 2020 AAPs; and
 2. All CARES Act funding has been expended.
- Grantees with previously approved FY 2020 AAPs may amend their AAPs to include such activities and resubmit for approval.
- All FY 2020 formula funds used for COVID-19 response will receive the same benefits and flexibilities as the CARES Act funding for Administrative costs, STRMU and Hotel/Motel stays (as described in Notice CPD-20-05)

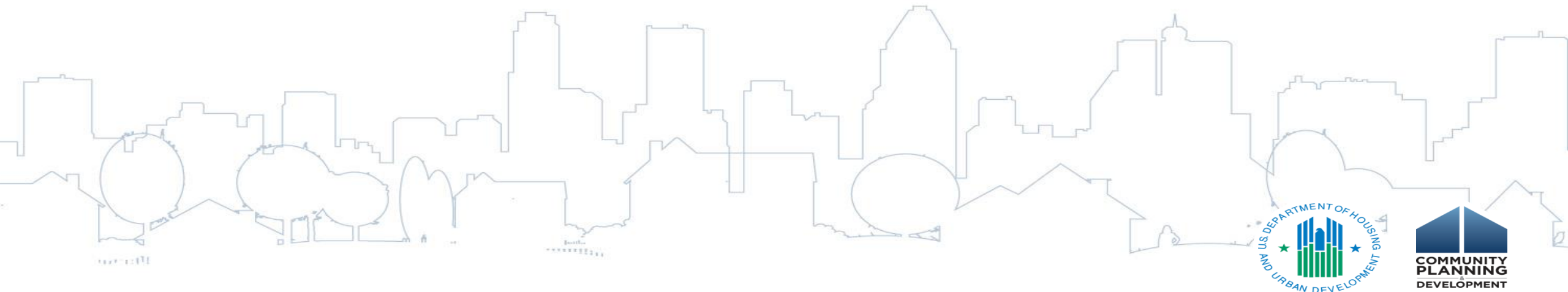


HOPWA/COVID-19 PROGRAM FLEXIBILITIES



HOPWA Program Flexibilities

HUD has made a number of HOPWA program flexibilities available in areas not governed by the regulations. Some of these activities may continue while others will end when all CARES Act/FY20 designated funds are depleted.



HOPWA Program Flexibilities

Transportation

ACTIVITY	AVAILABILITY FOR USE
Gas cards or vouchers for client transportation	May continue this activity with regular HOPWA funds when needed to address COVID-19 health and safety concerns . Procedures for appropriate documentation and tracking must be in place.
Car repairs for client vehicles	CARES/FY20 designated funds only! This activity will end when these funds are depleted.



HOPWA Program Flexibilities

Nutrition

ACTIVITY	AVAILABILITY FOR USE
Grocery cards	May continue with regular HOPWA funds when needed to address COVID-19 health and safety concerns. Procedures for appropriate documentation and tracking must be in place.
Grocery/meal delivery (including contracting for the service)	May continue with regular HOPWA allocation funds.



HOPWA Program Flexibilities

Infection Control

ACTIVITY	AVAILABILITY FOR USE
Infection control for <u>clients</u> ; PPE, cleaning and disinfecting supplies, etc.	May continue with regular HOPWA funds* when needed in order to address COVID-19 health and safety concerns. *Must demonstrate that HOPWA is payor of last resort when purchasing PPE.
Infection control for <u>staff</u> ; PPE, cleaning and disinfecting supplies, etc.	May continue with regular HOPWA allocation funds* when needed in order to address COVID-19 health and safety concerns. Eligible charge to Supportive Services or other HOPWA BLI where needed for staff (such as TBRA, STRMU, Facility-Based Housing Operations). *Must demonstrate that HOPWA is payor of last resort for PPE

HOPWA Program Flexibilities

Phone and Internet

ACTIVITY	AVAILABILITY FOR USE
Cell phone/phone cards, wireless plans to enable provision of support services necessary to obtain/retain housing and ensure client safety and stability	May continue with regular HOPWA funds* when needed to address COVID-19 health and safety concerns. *Phones and wireless plans must be owned by sponsors and loaned to clients
Internet services for client households	CARES/FY20 Only! This activity will end when these funds are depleted.

HOPWA Program Flexibilities

Hotel/Motel Vouchers

ACTIVITY	AVAILABILITY FOR USE
Hotel/motel stays allowed beyond 60 days in a 6-month period	May continue with regular HOPWA funds* when needed to address COVID-19 health and safety concerns. *Hotel/motel rooms are a temporary measure; housing plans should focus on finding more permanent housing options.
Hotel/motel vouchers: non-HIV family member quarantine or isolation	CARES/FY20 designated Funds Only! This activity will end when these funds are depleted.
Hotel/motel vouchers: damages	CARES/FY20 Funds Only! This activity will end when these funds are depleted



HOPWA/COVID-19 RESOURCES



COVID-19 HOPWA Supports and Resources

HOPWA Notice CPD-20-05 (CARES Act Provisions) [Notice CPD-20-05 CARES Act Implementation Instructions and Related Flexibilities for the HOPWA Program](#)

Mega-Waiver 1 CPD Memo: [Availability of Waivers of CPD Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by Covid-19 for CoC, ESG, and HOPWA](#)

Mega-Waiver 2 CPD Memo: [Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Cause by COVID-19](#)

HOPWA/COVID-19 Activity Cost Eligibility:

[HOPWA/COVID-19 Activity/Cost Eligibility: Cares/Fy20/Regular Formula HOPWA Awards](#)



COVID-19 HOPWA Supports and Resources

HOPWA Waiver Extensions:

[Mega Waiver Extensions - March 31 2021](#)

[Mega-Waiver Extensions - June 30 2021](#)

HOPWA/COVID-19 Webinar Recordings, Transcripts, Fact Sheets, Resources:

[Get the Facts: HOPWA and COVID-19 Response – SUMMARY CHART OF HOPWA WAIVER END DATES](#)

[HOPWA COVID-19 HUD Exchange Resource Page](#)

[HUD.gov HOPWA-COVID-19 Resource Page](#)

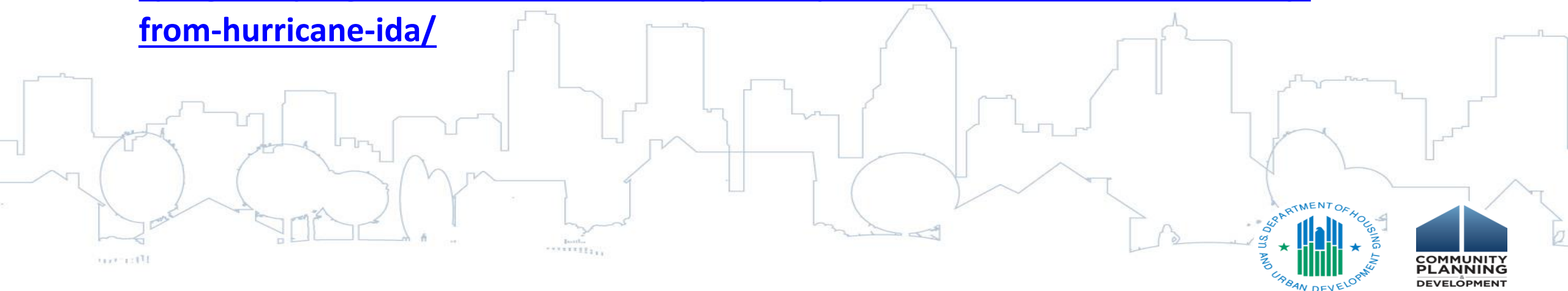


Additional HOPWA Information

September 14, 2021

HOPWA waivers have been made available to Louisiana, New York and New Jersey to facilitate recovery from Hurricane Ida:

<https://www.hudexchange.info/news/hopwa-update-availability-of-waivers-of-cpd-grant-program-and-consolidated-plan-requirements-to-facilitate-recovery-from-hurricane-ida/>



HOPWA AAQ and TA Requests

GET ANSWERS!

GET ASSISTANCE!

Ask Your Questions:

Grantees/Sponsors may ask program, policy and COVID-related questions through the HOPWA AAQ:
[HOPWA Ask A Question \(AAQ\) Portal](#)

Request Technical Assistance:

HUD is making additional technical assistance (TA) available to grantees to support HOPWA/COVID-19 planning, program development, problem-solving. Those needing TA assistance in managing COVID-19-related program issues may submit an online request through the HUD Exchange at:
<https://www.hudexchange.info/program-support/technical-assistance/>



QUESTIONS!

