

Get the Facts: HOPWA and COVID-19 Response



REMOTE METHODS OFFICE HOURS Q&A

How do I know if my Grantee notified HUD of our intent to use these waivers?

Project sponsors should reach out to their Grantees to obtain that information and request any information regarding updated HOPWA policies and procedures related to each waiver.

If a waiver is used, do we need to document the use of the waiver in the household file? Do we need to track the waivers anywhere else besides the household file?

Yes, household files should include documentation clearly describing which waiver was used.

To ensure applicable waiver follow up conditions are met, HOPWA grantees and project sponsors may want to develop a method to track waivers used for each household, such as on a spreadsheet or other method that exists outside of household files.

When do the waivers expire?

The waiver allowing for Self-Certification of Income and Credible Information on HIV Status does not expire. This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

For the waivers regarding the inspection requirements, these waivers expire 1 year from the date of the waiver memorandums.

The TBRA-only waiver, dated March 31st, expires March 20, 2021. The waiver for including all other HOPWA housing types, , dated May 22nd, expires May 21, 2021.

Will the waivers be extended?

Currently, there is no plan to extend the waivers. This will likely be decided as dates get closer.

Are there any waivers for physical signatures?

Physical signatures are not a HOPWA regulatory requirement; therefore, a waiver is not required. Grantees and Project Sponsors should describe the acceptable type of signatures in their HOPWA program policies and procedures. There are other methods besides hard signatures to obtain consent for a release of information or other paperwork (such as confirming a release of information over the telephone). If a program currently requires hard signatures, HUD recommends waiving this requirement during the pandemic as well as adopting other ways to obtain hard signatures (via mail, electronic software, etc.).

To assist, electronic signature software can be used when that is an option for the client. The costs for purchasing such software is a HOPWA eligible expense. However, like other overhead costs, please allocate any costs according to your cost allocation plan/indirect cost rate (if applicable). Any software used for more than one funding source or more than one HOPWA activity should be pro-rated by some rational method that meets the requirements outlined at 2 CFR 200. If electronic software is an option, Grantees and Project Sponsors should describe this option in their policies and procedures.

If we require signatures, can we use one blank, but signed, release of information for assisted households?

HUD **does not** allow nor should any HOPWA program require an applicant or currently assisted households to sign a **blank** release of information. Programs must use separate releases of information (ROI) for each source from which information will be requested and shared including, on the ROI itself, a description of the type of information being requested from or shared with the other from the other organization.

Are programs required to automatically allow people to self-certify HIV and income?

No, HOPWA programs are not required to automatically allow participants to self-certify HIV or income. HOPWA programs should already have policies and procedures about acceptable types of verification for both HIV status and income. It is not the intent of any waiver to fundamentally change those processes; rather, waivers complement existing processes. The waivers allow for additional flexibility to keep staff and clients safe and for approving and providing HOPWA services and housing assistance before obtaining source documentation if and/or when source documentation cannot be obtained by HOPWA program staff nor provided by applicants and/or currently assisted households.

Can programs verify information by connecting directly with the source instead of allowing self-certification?

Yes, with a specific release of information and making sure confidentiality is maintained, HOPWA program staff may attempt to verify information by connecting directly with a source. Households should not be denied assistance nor should assistance be delayed if, during the pandemic, obtaining source documentation cannot be obtained and/or it becomes a barrier to providing HOPWA assistance.

If a client self certifies either HIV diagnosis or income, is source documentation needed for the file?

Source documentation of HIV status and income must be obtained within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.

If self-certification of HIV status or income is used, should this be documented on a standardized form and maintained in the client file?

There is not a requirement to use a specific standard form, but yes, using a standard self-certification of HIV status and/or income form is highly recommended. Using a standard form for both assures that program staff are asking accurate and detailed questions in all situations. Forms used to self-certify HIV status and income should also include a disclaimer indicating source documentation must be obtained within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19. Programs can create their own forms or adapt current HOPWA forms.

Can a client self-certify income for other family members? Does this depend on age?

Yes, if the client is an adult (18 years of age or older), the client could self-certify income for all other people who are or will be residing in the household. If this is an allowable option, Grantees and Project Sponsors should include this detail in their HOPWA program policies and procedures.

What HOPWA activities require an inspection?

Except for hotel/motel temporary or emergency housing, HOPWA habitability/HQS apply to TBRA, Permanent/Transitional/Short Term Facility Based Housing, and Master Leasing units. There is no HOPWA habitability/HQS inspection requirement for STRMU or PHP.

HOPWA regulations do not require using Section 8 Housing Quality Standards (HQS), but this type of inspection is allowable at the discretion of the Grantee. The chosen type of inspection should be detailed in HOPWA policies and procedures and used consistently across all project sponsors.

What do we need to know about HOPWA habitability/HQS inspections?

Initial inspections must occur before assistance can be provided. The HOPWA property standards waiver allows for conducting initial inspections virtually, and an in-person inspection **must** occur for these units once it is safe to do so after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Annual inspections may be delayed or postponed until it is safe to conduct in-person inspection **or** annual inspections may be conducted virtually; no waiver is needed for either. If annual inspections are postponed, HOPWA does expect that program staff check-in with assisted households as part of the annual recertification of income process, to ensure that a unit is safe and livable. For annual inspections delayed or postponed, an in-person inspection must occur once it is safe to do so. If annual inspections are conducted virtually, an in-person inspection **does not** need to occur.

What HOPWA activities require a lead-based paint visual inspection?

Lead-based paint visual assessment apply to TBRA, Permanent/Transitional Facility Based Housing, Master Leasing **if** the unit was built before 1978 **and** will be occupied by a pregnant person **or** children under the age of 6 (unless exempted under 24 CFR Part 35.115(a)).

Lead-based visual assessments **do** apply to STRMU **if** the unit was built before 1978 **and** is occupied by a pregnant person **or** children under the age of 6 (unless exempted under 24 CFR Part 35.115(a)) **and** STRMU assistance will be used in that unit for more than 100 consecutive days.

Lead-based paint requirements **do not** apply to PHP.

What do we need to know about lead-based paint visual assessments?

Program staff responsible for conducting HOPWA habitability/HQS must complete HUD's [Visual Assessment Training](#).

Lead-based paint visual assessments are a part of conducting HOPWA habitability/HQS inspections and may be conducted virtually during the same time as the virtual inspection.

As described below, an in-person lead-based paint visual assessment **must** occur for units that are not exempt from these rules once it is safe to do so and after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

****** For all **initial** inspections conducted **virtually** as part of the waiver flexibilities, programs **must do** an in-person inspection as a required by the waiver and lead-based paint visual assessment at a later date.

****** For **annual** inspections that are **delayed/postponed**, programs **must do** an in-person inspection and a lead-based paint visual assessment at a later date.

******For **annual** inspections conducted **virtually**, programs are **not required** to later do an in-person inspection **nor** are programs required to go back to conduct an in-person lead-based paint visual assessment.

Do all inspections need to be virtual?

No. If there is not a public health emergency in effect in your area, you may continue with in-person inspections. It may also be possible to conduct in-person inspections in vacant units. Information about how inspections will be conducted should be described in HOPWA policies and procedures.

If doing virtual inspections, what does documentation look like? Do we need to keep documentation of the virtual inspection?

Documentation of a virtual inspection can be completed quite easily, particularly if existing HOPWA habitability or HQS inspections forms/checklists are completed as if the inspection were completed in-person.

Aside from completing the HOPWA habitability or HQS inspection form/checklist, HUD does not require keeping video recordings or photos documenting the virtual inspection.

The contents of this fact sheet reflect guidance presented in a series of HOPWA/COVID-19 Q&A webinars available at:
<https://www.hudexchange.info/programs/hopwa/covid-19/#webinars>