

COVID-19 Related Policy Development for HOPWA Grantees

The federal response to the emergence of the Coronavirus Disease (COVID-19) has provided a number of supports to prevent, prepare for, and respond to this global pandemic. These support communities both financially, through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and by providing regulatory waivers and additional flexibility in the administration of the program.

Housing Opportunities for Persons With AIDS (HOPWA) grantees and project sponsors should develop new policies and procedures to document how they will incorporate the CARES Act funding, regulatory waivers, and program flexibilities. Included in this tool are a list of the available supports, potential policies to be developed and a sample COVID-19 related policy.

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](#)

In addition to procedural guidance, the Notice details flexibilities and requirements for HOPWA activities provided under the CARES Act:

1. Short Term Rent, Mortgage, and Utility (STRMU) Assistance Limits (up to 24 months)
2. Hotel/Motel Stays
3. Supportive Services
 - a. Providing transportation services for eligible households to access medical care, supplies, and food or to commute to places of employment;
 - b. Assisting HOPWA-eligible households in accessing essential services and supplies such as food, medications, medical care, personal protective equipment (PPE) and information;
 - c. Providing nutrition services for eligible households in the form of food banks, groceries, and meal deliveries;
 - d. Educating assisted households on ways to reduce the risk of contracting or spreading COVID-19 to others; and
 - e. Costs related to infection control measures such as cleaning and disinfectant supplies, gloves, PPE, and other safety-related supplies for staff and assisted households.
4. Duplication of Benefits (Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act)

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

1. Self-Certification of Income and Credible Information on HIV Status
2. Fair Market Rent (FMR) Standard for Tenant-Based Rental Assistance (TBRA)
3. Property Standards for TBRA (relates to initial inspections)
4. HOPWA Space and Security

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

1. FMR Rent Standard – HOPWA Rental Assistance (covers TBRA + all rental)
2. Property Standards – HOPWA (covers TBRA AND all rental housing; relates to initial inspections)
3. Time Limits for Short-Term Supported Housing Facilities and STRMU

HUD's Office of HIV/AIDS Housing/HOPWA Program Flexibilities

1. Use of HOPWA Funds for Infectious Disease Preparedness and Response document
Property Standards – Annual housing re-inspections
2. Hotel/Motel Stays
3. Supportive Services
 - a. Transportation – gas cards
 - b. Transportation – car repair
 - c. Nutrition – grocery cards
 - d. Phones or minutes for client use

Grantees and project sponsors are encouraged to develop COVID-19-specific written policies and procedures to reflect how they will implement the supports outlined above; these new policies and procedures may be developed as an addendum to their agency's current policies and procedures.

Project sponsors should develop their COVID-19 related policies and procedures to be consistent with their grantee's policies. Project sponsors are also encouraged to develop their own agency policies and procedures to document new procedures that they have implemented in response to COVID-19. These policies would include, but are not limited to, the following: remote work, documentation requirements for client files when delivering remote or virtual services, and the timeframe that the policies and procedures will cover.

This resource is prepared by technical assistance providers and intended to help Grantees and Project Sponsors understand guidance related to the HOPWA Program and COVID-19. The contents of this document, except when based on statutory or regulatory authority or law, do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Potential Policies to be Developed

- 1. Provision of STRMU assistance payments to prevent homelessness of a tenant or mortgagor of a dwelling for a period of up to 24 months**
 - a. Policy should outline efforts to regularly assess needs of assisted households based on documented financial needs or health and safety concerns
 - b. Policy should include criteria by which an agency will determine which source of HOPWA funds will be used for individual households and when. If you intend to address local COVID-19 needs utilizing both regular HOPWA STRMU funding and CARES Act STRMU funding, then this policy should discuss how the CARES Act STRMU funding will be coordinated with regular HOPWA STRMU funding in addressing local needs.
 - c. Reference: CARES Act (March 31, 2020) and Mega Waiver 2, if grantee intends to utilize waiver flexibility

- 2. Provision of lodging at hotels, motels, or other locations to quarantine HOPWA-eligible persons or their household members**
 - a. Policy should clearly indicate that funds may be used for the isolation of both persons living with HIV/AIDS and household members not living with HIV/AIDS
 - b. Policy should indicate whether the payment of damages will be allowed
 - c. Describe circumstances/criteria for the use of Hotel/Motel Stays for non-HIV positive family members
 - d. Define the terms for allowing Hotel/Motel stays beyond 60-days in a 6-month period
 - e. Detail processes for granting extensions based on documented household health and safety concerns in accordance with CDC guidance, if needed
 - f. Reference: CARES Act (March 31, 2020) and OHH guidance, particularly HOPWA/COVID-19 Activity/Cost Eligibility document released with July 22, 2020 webinar

- 3. Use of supportive service funds to pay for services and items described below**
 - a. Policy should outline the scope of essential services and supplies that are covered under this category
 - b. Protective supplies – identify eligible items needed for client protection from COVID-19, such as masks and disinfectants due to no other source of available funding (Staff protective items should be purchased under the budget line item for which they are used.)
 - c. Nutrition Services – describe what services and activities can be used and how they need to be documented
 - d. Transportation – inclusive of public and private transportation; use of funds for car repair (car repairs can only be funded with CARES Act funds)

- e. Purchase of cell phones/minutes/phone cards – responsibility for documentation and use/disposal after health officials determine special measures are no longer necessary
- f. Reference: Use of HOPWA Funds for Infectious Disease Preparedness and Response document (March 19, 2020)

4. Infection Measures and Controls

- a. Policy should outline sanitation measures project sponsors are expected to take inclusive of contact with clients, infection control and sanitation in residential settings, work from home, work in the office, and measures to ensure safety in return to the office.
- b. Reference: Use of HOPWA Funds for Infectious Disease Preparedness and Response document (March 19, 2020)

5. Self-Certification of Income and Credible Information on HIV Status

- a. Waiver from 23 CFR 574.530 Recordkeeping
- b. Policy should outline how grantee will collect and maintain records to document the eligible household's HIV status, how credible information and verbal attestation will be documented and how the program will obtain information after health officials determine special measures are no longer necessary.
- c. Policy should outline how information regarding income will be received and documented and how the program will obtain information after health officials determine special measures are no longer necessary.
- d. Reference: Mega Waiver 1 (4/1/2020) Terms of Use

6. HOPWA FMR Rent Standards for HOPWA Rental Assistance

- a. Waiver from 24 CFR 574.320(a)(2) Rent Standard
- b. Policy should outline rent standards being applied outside the FMR and how that will be equitably and consistently applied, and how rent reasonableness is continued to be applied as outlined in the referenced regulation.
- c. Outline the time frame – units may be leased up outside of the FMR during the one year following the date of the applicable memo
- d. Detail the procedure for transitioning clients to FMR compliant units once the above-FMR lease expires
- e. Reference: Mega Waiver 1 (4/1/2020) Terms of Use and Mega Waiver 2 (5/22/2020) Terms of Use

7. HOPWA Property Standards Requirements - waiver

- a. Waiver from 24 CFR 574.310(b) Housing Quality Standards
- b. Policy should outline the use of virtual inspection options such as video streaming, as well as process and timeframes for reinspection of the unit after health officials determine special measures are no longer necessary
- c. Policy should describe the process for conducting onsite physical inspections once local health providers deem it safe to do so
- d. Outline applicable effective dates, one year from the date of the 4/1/2020 memorandum for TBRA; and 5/22/2020 for community residences
- e. Reference: Mega Waiver 1 (4/1/2020) Terms of Use and Mega Waiver 2 (5/22/2020) Terms of Use

8. HOPWA Space and Security - waiver

- a. Waiver from 24 CFR 574.310(b)(2)(iii) Space and Security
- b. Policy should outline how alternative sites will be identified and the criteria for determining when household members would be eligible to use such alternative sites
- c. Describe circumstances/criteria for the use of Hotel/Motel Stays for non-HIV positive family members
- d. Define the terms for allowing Hotel/Motel stays beyond 60-days
- e. Reference: Mega Waiver 1 (4/1/2020) Terms of Use

9. Time Limits for Short-Term Supported Housing Facilities and STRMU

- a. Waiver from 24 CFR 574.330(a)(1) Time Limits
- b. Policy should outline how grantee and project sponsor assist eligible households
 - i. Short-term housing facility may provide residence to any individual for a period of 120 days in a 6-month period
 - ii. STRMU payments may be provided for costs accruing up to 52 weeks in a 52-week period – with regular HOPWA funds and this waiver
 - iii. Efforts to regularly assess needs of assisted households as well as process for granting extensions on an individual basis based on documented financial needs or health and safety concerns.
- c. Reference: Mega Waiver 2 (5/22/2020) Terms of Use

10. Ensuring Non-Duplication of Benefits

- a. Requirement from Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act
- b. Describe how clients will be prevented from receiving financial assistance for the same costs from any other source (including insurance) from CARES Act funds
- c. Reference: HOPWA Notice CPD-20-05 (CARES Act Provisions)

Policies should be applied in a uniform, consistent, and non-discriminatory manner.

Grantee and project sponsors may ask program, policy and COVID-related questions through the HOPWA Ask A Question Help Desk at: <https://www.hudexchange.info/program-support/my-question/>. For additional support in developing policies for HOPWA COVID -19 CARES Act funding and waivers, request assistance through the TA Portal at: <https://www.hudexchange.info/program-support/technical-assistance/>

Sample COVID-19 HOPWA Policy

Policy ID Number: HOPWA-CV 001	Title: Housing Quality Standards in response to COVID-19	
Version 1.0	Prepared by: John Smith, Housing Coord.	Date Prepared xx-xx-xx
Effective Date xx-xx-xx	Reviewed by John Smith's Supervisor	Date Reviewed xx-xx-xx
	Approved by Agency Head	Date Approved xx-xx-xx

Policy

The Grantee will allow Project Sponsors to utilize available technology to conduct virtual property inspections to ensure that HOPWA eligible units meet HQS habitability standards. Physical reinspection of the unit will occur within 60 days after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Purpose

This policy outlines emergency policy changes in response to COVID-19, the CARES Act legislation, and additional HOPWA funding and program flexibilities. The policy allows to the grantee or project sponsor to conduct visual inspections of units using available technology to ensure the unit meets HQS habitability standards before any assistance is provided.

Scope

This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors. The required criteria are as follows:

- a. The grantee or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS habitability standards before any assistance is provided; and
- b. The grantee or project sponsor has written policies to physically reinspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

Start Date of Waiver: 5/22/2020

End Date of Waiver: 5/21/21

Responsibilities/Procedures

- Grantee notifies HUD Field Office CPD Director of intent to utilize this waiver flexibility.
- Project Sponsors who wish to utilize virtual inspections must notify the Grantee of its intention.

- Project Sponsors should keep a list of units/households where virtual inspections will occur.
- Project Sponsors will maintain a copy of the results of the virtual inspection in the client file.
- Project Sponsors will ensure that staff and individuals in eligible households have equipment necessary for virtual inspections.
- Project Sponsors may maintain a copy of the video of the inspection in a cloud-based system with the link to the inspection included in the record; alternately, written documentation detailing the virtual inspection methodology and results should be maintained for a period of time determined by the Project Sponsor. There is no requirement that these are stored beyond the time it takes to determine the inspection occurred.
- Documentation will include the date of the inspection, any substantial findings of that inspection, plan for correction needed to ensure that the unit meets HQS.
- Re- inspections will occur within 60 days after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.
- Project Sponsors must submit to the Grantee their policies for demonstrating use of this Waiver

References

- 24 CFR 574.330(a)(1) Time Limits
- CARES Act PL 116-136
- 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 - May 22, 2020

Definitions

1. **CARES Act** - Coronavirus Aid, Relief, and Economic Security Act is a law meant to address the economic fallout of the 2020 coronavirus pandemic in the United States.
2. **COVID-19** - Coronavirus disease is an illness caused by a virus that can spread from person to person. The virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes. At this time, there are no specific vaccines or treatments for COVID-19.
3. **HQS Habitability Standards** - All housing subsidized under 24 CFR 574.300(b)(3),(4),(5), and (8), including units assisted under HOPWA tenant-based and project-based rental assistance, must be safe and sanitary. Units must undergo inspection to ensure compliance with HUD habitability standards before assistance can be paid. HOPWA project sponsors that are not HUD-certified inspectors can use these standards as a basis for performing inspections and documenting compliance.