

## HOPWA Program Guidance for CPD COVID-19 Waivers

### Mega WAIVER One: Policies and Procedures

|               | <b>HOPWA – Self-Certification of Income and Credible Information on HIV Status</b>  |
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| Requirement   | Source Documentation for Income and HIV Status Determinations.  |
| Citation      | 24 CFR 574.530, Recordkeeping   |
| Explanation   | Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.  |
| Justification | This waiver will permit HOPWA grantees and project sponsors to rely upon 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 of families and grantees affected by COVID-19.   |
| Applicability | Eligibility is restricted to a low-income person who is living with HIV/AIDS and the family of such person. 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.  |
| Guidance      | <p>This waiver does not change the eligibility requirements for proof of income and HIV Status, but provides flexibility on obtaining eligibility documentation requirements for households impacted by COVID-19. This flexibility does not provide postponement of annual eligibility recertification.</p> <p><b>Self-Certification of Income</b></p> <p>Providers should make every attempt to complete and collect all paperwork and documentation via mail, fax, or other secure method, including other electronic methods. Providers may use both written and verbal self-declarations of income in lieu of source documentation. However, the electronic methods must meet the HOPWA confidentiality rule. To use this flexibility.</p> <ul style="list-style-type: none"> <li>• A provider must document in Bitfocus or other HCID approved method they are using “Self-Certification of Income” flexibility in the client’s case notes.</li> <li>• The provider should include a reason for this flexibility, such as but not limited to, household’s inability to provide document due to COVID-19 stay at home order, social distancing, sheltered in place, client does not have safe and adequate transportation, client lacks adequate electronic method to provide income documentation, etc.</li> </ul> |

- A client may submit income documentation using other secure electronic methods, such as but not limited to, PDF, photos, copies, texting, etc.

**Credible Information on HIV Status**

Providers should make every attempt to complete and collect all paperwork and documentation via mail, fax, or other secure method, including other electronic methods. Providers may use credible information for proof of HIV in lieu of source documentation. To use this flexibility.

- A provider must document in Bitfocus or other HCID approved method they are using “Credible Information on HIV Status” flexibility in the client’s case notes.
- The provider should include a reason for this flexibility, such as but not limited to, household’s inability to provide document due to COVID-19 stay at home order, social distancing, sheltered in place, client does not have safe and adequate transportation, client lacks adequate electronic method to provide HIV documentation, etc.
- The jurisdictional requirement for HIV status documentation that is no more than 12 months old is temporarily waived. Any previous HIV document on file may be used for proof of HIV status.
- Possible alternative, credible information on HIV: HIV specific labs, HIV specific prescriptions, etc.

For both income and HIV documentation, a household must agree to obtain the source documentation within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19

**Alternative to Wet Signatures on Forms**

Providers should make every attempt to complete all required signatures on documents as they relate to a client trying to accessing services for all HOPWA related activities, including but not limited to: program intake and assessment; STRMU; PHP; TBRA, Release of Information, and other documents necessary to complete housing related services. Signatures may be obtained remotely. To use this flexibility.

- A provider must document in Bitfocus or other HCID approved method they are using “Alternative to Wet Signature” flexibility in the client’s case notes.
- The provider should include a reason for this flexibility, such as but not limited to, household’s inability to provide a signature due to COVID-19 stay at home order, social distancing, sheltered in place, client does not have safe and adequate transportation, client lacks adequate electronic method to provide a signature, etc.

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|  | <ul style="list-style-type: none"> <li>● Mailing forms to clients for signature may be an option in some cases, time permitting. If forms must be signed electronically, an electronic signature on a PDF file is ideal.</li> <li>● The Provider must ensure that any software used for an electronic signature meets the HOPWA confidentiality, regulations §574.440, <i>which state that the grantee shall agree and shall ensure that each project sponsor agrees to ensure the confidentiality of any individual assisted under the HOPWA program and any other information regarding receiving assistance.</i></li> </ul> <p>A household and provider must agree to obtain the signatures within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19</p> <p>This waiver is in effect until public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.</p> |
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| <b>FMR Rent Standard</b> |   |
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| Requirement              | Rent Standard for Tenant-Based Rental Assistance (TBRA).  |
| Citation                 | 24 CFR 574.320(a)(2), Rent Standard   |
| Explanation              | Grantees must establish rent standards for their tenant-based rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the TBRA payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.   |
| Justification            | This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3). This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2). |
| Applicability            | Such rent standards may be used for up to one year beginning on the date of this memorandum.  |
| Guidance                 | <p>This guidance waiver applies to Rent Standards and Rent Reasonableness Certifications through 3/31/21.</p> <ul style="list-style-type: none"> <li>● The rent standard could be any value so long as the gross rent of</li> </ul>   |

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|  | <p>the proposed unit meets rent reasonableness requirements.</p> <ul style="list-style-type: none"> <li>● The rent standard does not have to be based on FMR.</li> <li>● The rent standard could be on a case-by-case basis.</li> </ul> <p>Things to consider:</p> <ol style="list-style-type: none"> <li>1) There's no upper limit;</li> <li>2) The higher the rent standard, the greater the impact to your budget;</li> <li>3) Once the waiver period ends, normal rent standard rules resume and the unit would no longer qualify for rental assistance.</li> </ol> <p>Recommendation to the policy is to raise the rent standard to 140% above the local FMR for the duration of the waiver period. Providers wishing to use this flexibly should consider the impact on their current program budget. To use this flexibility.</p> <ul style="list-style-type: none"> <li>● A provider must document in Bitfocus or other HCID approved method they are using "FMR Rent Standards" flexibility in the household's case notes.</li> <li>● The provider should include a reason for using this flexibility, such as but not limited to, household's inability to find more rent reasonable units due to COVID-19 stay at home order, social distancing, sheltered in place, client does not have safe and adequate transportation, etc.</li> </ul> <p>This waiver is in effect until 3/31/21. Once the waiver period ends, normal rent standard rules resume and the unit would no longer qualify for rental assistance.</p> |
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| <b>Property Standards</b> |  |
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| Requirement               | Property Standards for Tenant-Based Rental Assistance (TBRA).  |
| Citation                  | 24 CFR 574.310(b), Housing Quality Standards   |
| Explanation               | This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section  |
| Justification             | This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.  |
| Applicability             | This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the following criteria: <ol style="list-style-type: none"> <li>a. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and</li> </ol> |

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|                 | <p>b. The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.</p>   |
| <p>Guidance</p> | <p>This waiver allows for flexibility to a Provider to meet the critical housing needs of households impacted by COVID-19.</p> <p>Providers may not postpone initial Housing Quality Standards (HQS) <b>inspections for new</b> TBRA units. This waiver applies to all HQS inspections of new TBRA units through 03/31/21.</p> <p>To use this flexibility.</p> <ul style="list-style-type: none"> <li>● Providers may utilize a video streaming technology to visually inspect a unit and ensure that it meets the HQS standards (e.g., time-stamped video files, time-stamped photos, Skype, FaceTime, etc.).</li> <li>● The Provider should document, in the household’s case notes that they are utilizing this flexibility and the method used.</li> <li>● The provider should include a reason for using this flexibility, such as but not limited to, COVID-19 stay at home order, social distancing, sheltered in place, etc.</li> </ul> <p>A Provider must physically re-inspect the unit within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.</p> <p>A Provider may postpone annual HQS <b>re-inspections</b> of TBRA-assisted units between through 03/31/21. To use this flexibility.</p> <ul style="list-style-type: none"> <li>● The Provider should contact households to assess whether there are any issues with the TBRA units (Plumbing? Air conditioning working? Appliances? Smoke Detectors? Etc.).</li> <li>● The Provider must document in Bitfocus or other HCID approved method, in the household’s case notes the results of the communication.</li> <li>● The provider should include a reason for using this flexibility, such as but not limited to, household’s inability to find more rent reasonable units due to COVID-19 stay at home order, social distancing, sheltered in place, etc.</li> </ul> <p>A Provider must physically re-inspect the unit within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.</p> <p>This waiver is in effect until 3/31/2021.</p> |

| <b>Adequate Space and Security</b> |   |
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| Requirement                        | Adequate Space and Security   |
| Citation                           | 24 CFR 574.310(b)(2)(iii), Space and security   |
| Explanation                        | This section of the HOPWA regulations provide that each resident must be afforded adequate space and security for themselves and their belongings.  |
| Justification                      | This waiver is required to enable 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 placement of families in a hotel/motel room where family members may be required to utilize the same space not allowing for adequate space and security for themselves and their belongings.   |
| Applicability                      | The Space and Security requirement is waived in order to provide appropriate quarantine space for affected eligible households during the quarantined time frame.   |
| Guidance                           | <p>This waiver allows Providers to secure and utilize space that would otherwise not meet Habitability HQS space and security requirements in order to quarantine/separate household members affected by COVID-19.</p> <p>Providers may make available temporary shelters to households, including hotel/motel stays in order to quarantine and create a separate space for any and all households impacted by COVID-19. Providers may provide separate spaces for a single household with household members located in different spaces or sites. To use this flexibility.</p> <ul style="list-style-type: none"> <li>● A provider must document in Bitfocus or other HCID approved method they are using “Space and Security” flexibility in the household’s case notes.</li> <li>● The provider should include a reason for using this flexibility for the health and safety of the household and to quarantine to prevent and respond to COVID-19. The explanation should include details of the situation, such as a member of the household tested positive.</li> <li>● The provider should consider the impact to their budget.</li> </ul> <p>This space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local County health care professionals.</p> <p>This waiver is in effect until public health officials determining no additional special measures are necessary to prevent the spread of COVID-19</p> |

## Mega WAIVER Two: Policies and Procedures

|               | <b>HOPWA – Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments</b>  |
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| Requirement   | Time Limits for Short-Term Supported  |
| Citation      | 24 CFR 574.330(a)(1), Time Limits   |
| Explanation   | A short-term supported housing facility may not provide residence to any individual for more than 60 days during any six-month period. Short-Term Rent, Mortgage, and Utility (STRMU) payments to prevent the homelessness of the tenant or mortgagor of a dwelling may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period.   |
| Justification | This waiver is required to prevent homelessness or discharge to unstable housing situations for households residing in short-term housing facilities or units assisted with STRMU if permanent housing cannot be achieved within the time limits specified in the regulation.   |
| Applicability | <p>On an individual household basis, grantees or project sponsors may assist eligible households for a period that exceeds the time limits specified in the regulations. A short-term supported housing facility may provide residence to any individual for a period of up to 120 days in a six-month period. STRMU payments to prevent the homelessness of the tenant or mortgagor of a dwelling may be provided for costs accruing up to 52 weeks in a 52-week period.</p> <p>This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria:</p> <ul style="list-style-type: none"> <li>• The grantee or project sponsor documents that a good faith effort has been made on an individual household basis to assist the household to achieve permanent housing within the time limits specified in the regulations but that financial needs and/or health and safety concerns have prevented the household from doing so; and</li> <li>• The grantee or project sponsor has written policies and procedures outlining efforts to regularly reassess the needs of assisted households as well as processes for granting extensions based on documented financial needs and/or health and safety concerns.</li> </ul> |
| Guidance      | <p>The STRMU provider may provide an assistance cap extension for up to 365 days of STRMU assistance, on a case by case basis.</p> <p>To use this flexibility.</p> <ul style="list-style-type: none"> <li>• The STRMU provider must update their program policy and procedures to reflect this temporary change in policy.</li> </ul>   |

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|  | <p>Crisis beds assistance is extended for up to 120 nights.<br/>To use this flexibility.</p> <ul style="list-style-type: none"> <li>• A provider must document in Bitfocus the use of “Crisis Bed extension up to 120 days” flexibility in the client’s case notes.</li> <li>• A provider should include a reason for this flexibility, such as but not limited to, household’s inability to provide documentation due to COVID-19 stay at home order, social distancing, sheltered in place, lack of safe and adequate transportation, etc. AND</li> <li>• A Provider must document all intervention it is providing to achieve for the household to secure permanent housing within the time limit of this waiver. This should include, but not limited to increasing the household’s income, linking to a transitional living program, securing additional crisis/interim housing, permanent housing placement, etc.</li> </ul> <p>This waiver ends on 05/21/21.</p> |
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| <b>HOPWA – Property Standards</b> |  |
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| Requirement                       | Property Standards for HOPWA   |
| Citation                          | 24 CFR 574.310(b), Housing Quality Standards   |
| Explanation                       | This section of the HOPWA regulations provides that all housing assisted with acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs must meet the applicable housing quality standards outlined in the regulations.   |
| Justification                     | This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of coronavirus.  |
| Applicability                     | <p>This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria:</p> <ul style="list-style-type: none"> <li>• The grantee or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and</li> </ul> <p>The grantee or project sponsor has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.</p> |
| Guidance                          | <p>This waiver allows for flexibility to a Provider to meet the critical housing needs of households impacted by COVID-19 in housing units, other than TBRA.</p> <p>Providers may not postpone initial Housing Quality Standards (HQS)</p>   |



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|  | <p><b>inspections for new units.</b> This waiver applies to all HQS inspections of new units through 05/21/21. To use this flexibility.</p> <ul style="list-style-type: none"> <li>• Providers may utilize a video streaming technology to visually inspect a unit and ensure that it meets the HQS standards (e.g., time-stamped video files, time-stamped photos, Skype, FaceTime, etc.).</li> <li>• Provider should document in Bitfocus, in the household’s case notes that they are utilizing this flexibility and the method used.</li> <li>• The provider should include a reason for using this flexibility, including but not limited to COVID-19 stay at home order, social distancing, sheltered in place, etc.</li> </ul> <p>A Provider must physically re-inspect the unit within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.</p> <p>A Provider may postpone annual HQS <b>re-inspections</b> of units between through 05/21/21. To use this flexibility.</p> <ul style="list-style-type: none"> <li>• The Provider should contact households to assess whether there are any current issues with the units (Plumbing? Air conditioning working? Appliances? Smoke Detectors? Etc.).</li> <li>• A provider must document in Bitfocus, in the household’s case notes the results of the communication.</li> <li>• The provider should include a reason for using this flexibility, such as but not limited to, household’s inability to find more rent reasonable units due to COVID-19 stay at home order, social distancing, sheltered in place, etc.</li> </ul> <p>A Provider must physically re-inspect the unit within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.</p> <p>This waiver is effective until 5/21/2021.</p> |
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| <b>HOPWA FMR Rent Standard</b> |   |
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| Requirement                    | Rent Standard for HOPWA Rental Assistance   |
| Citation                       | 24 CFR 574.320(a)(2), Rent Standard   |
| Explanation                    | Grantees must establish rent standards for their rental assistance programs based on FMR (Fair Market Rent) or the HUD-approved community-wide exception rent for unit size. Generally, the rental assistance payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income. |
|                                | This waiver of the FMR rent standard limit permits HOPWA grantees to  |

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| Justification | <p>establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).</p> <p>This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).</p>   |
| Applicability | Such rent standards may be used for up to one year beginning on the date of this memorandum.   |
| Guidance      | <p>This guidance waiver applies to Rent Standards and Rent Reasonableness Certifications, through 05/21/2021.</p> <ul style="list-style-type: none"> <li>● The rent standard could be any value so long as the gross rent of the proposed unit meets rent reasonableness requirements.</li> <li>● The rent standard does not have to be based on FMR.</li> <li>● The rent standard can be on a case-by-case basis.</li> </ul> <p>Things to consider:</p> <ol style="list-style-type: none"> <li>1) There's no upper limit;</li> <li>2) The higher the rent standard, the greater the impact to your budget;</li> <li>3) Once the waiver period ends, normal rent standard rules resume and the unit would no longer qualify for rental assistance.</li> </ol> <p>Recommendation to the policy is to raise the rent standard to 140% above the local FMR for the duration of the waiver period. Providers wishing to use this flexibly should consider the impact on their current program budget. To use this flexibility.</p> <ul style="list-style-type: none"> <li>● A provider must document in Bitfocus using "FMR Rent Standards" flexibility in the household's case notes.</li> <li>● The provider should include a reason for using this flexibility, such as but not limited to, household's inability to find more rent reasonable units due to COVID-19 stay at home order, social distancing, sheltered in place, client does not have safe and adequate transportation, etc.</li> </ul> <p>This waiver is in effect until 05/21/21. Once the waiver period ends, normal rent standard rules resume and the unit would no longer qualify for rental assistance.</p> |

## Other Guidance

|               | <b>Bitfocus Remote Access</b>  |
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| Requirement   | Household interactions are tracked using Bitfocus Clarity Human Services Database  |
| Citation      | N/A  |
| Explanation   | All HOPWA providers are required to document all services provided to a household in Bitfocus Clarity, with the expectation of the TBRA and legal services providers.                                    |
| Justification | This exception is in effect in order to obtain and track household information while Safer at Home remains in effect.  |
| Applicability | This guidance is in effect until after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary or if continued remote access of Bitfocus is necessary. |
| Guidance      | In order to ensure security of client information when accessing Bitfocus remotely, Providers should only access Bitfocus using a secure (password-protected) network.                                   |