



**State of Nevada**  
**Division of Public and Behavioral Health**  
**Community Health Services**  
**Office of HIV**

Guidelines for the  
**Housing Opportunities for Persons With  
AIDS (HOPWA) Program**

Formula Grant

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## 1. Program Overview

The Housing Opportunities for People with AIDS (HOPWA) Program was established by U. S. Department of Housing and Urban Development (HUD) to address the housing needs of persons living with HIV/AIDS and their families. HOPWA makes grants to local communities, states, and nonprofit organizations to support activities that address the housing needs of persons living with HIV/AIDS and their families.

The HOPWA program resides within the State of Nevada, Department of Health and Human Services, Division of Public and Behavioral Health, Community Health Services branch. Administrated through the Office of HIV (OH), which also administrates the following federal programs: Ryan White Part B, AIDS Drug Assistance Program (ADAP), and Centers for Disease Control (CDC) HIV Prevention and Surveillance.

Grantee (OH) and Grant Recipients (referred to as Project Sponsors) will demonstrate cooperation and coordination with relevant government agencies for services of eligible persons. HOPWA funds will be used for HOPWA eligible activities and services provided under the HOPWA program are as follows:

- Short-Term Rental, Mortgage and Utility or STRMU
- Tenant-Based Rental Assistance or TBRA
- Project-Based Rental Assistance (Transitional) or PBRA
- Supportive Services or SS
- Permanent Housing Placement or PHP
- Case Management

OH will comply with three (3) percent of the grant amount administrative costs cap. If Project Sponsor administrative costs are being paid, these costs must be within seven (7) percent cap of the amounts received from the grant.

OH will ensure that HOPWA funds are not used to make payments for health services, or any item or services already covered by an insurance policy, health benefits plan or prepaid health services. If Grantee does use HOPWA funds for health services or medical payments, it must be documented that Grantee and/or Project Sponsor have verifiable means of assuring that any such payments are not otherwise reasonably expected to be made from another source; the project activities are approved; and they comply with grant agreement provisions on restricted use of HOPWA funds on health care costs.

Grantee will establish written procedures and undertake staff training to ensure confidentiality and physical security of information regarding individuals receiving HOPWA assistance. Grantee and/or Project Sponsor will provide access to information on clients' HIV/AIDS status (or other related eligibility documentation) qualified individuals who determine eligibility or provide support or to those who oversee provision of HOPWA assistance.

## 2. Eligible Households

Households eligible to receive assistance under HOPWA must be:

- Diagnosed with HIV/AIDS or related diseases
- Low income (≤80 percent of Area Median Income, by household)

### 2.A Documentation of Household Eligibility

Project Sponsors must document the eligibility of all persons assisted under HOPWA. The documentation must include:

- Evidence of an HIV/AIDS diagnosis
- Evidence that household income is at or below 80 percent Area Median Income

#### 2.A.1 HIV Diagnosis Documentation

Project Sponsors must have a signed statement from the household's medical professional on official letterhead of the health organization with the following:

- Name of the household member with an HIV+ diagnosis
- Date of diagnosis
- Name and signature of the health professional

The health organization may use a printout or other form if it officially identifies the health professional and the organization. If it does not, a cover memo on letter head can be submitted with the form.

If the household's HIV documentation is from a healthcare provider outside of the Project Sponsors' HOPWA coverage area, including out-of-state, case managers must follow-up with that provider to confirm that the household's documentation is authentic before approving the household to receive HOPWA services. In addition, within 30 days of acceptance to the HOPWA program, the household must submit verification of diagnosis from a local healthcare professional within the Project Sponsor's HOPWA coverage area.

#### 2.A.2 Income Documentation

Project Sponsors must document household income at or below 80 percent of Area Median Income. HUD Income Limits are published on the HUD website at <https://www.huduser.gov/portal/datasets/il.html>.

Documentation must be obtained and verified for each household prior to the provision of any HOPWA assistance and must be kept on file. In cases where a household member reports income, but refuses to produce documentation of income, the household must be determined ineligible for assistance. If a household reports zero income, the file must contain a zero-income affidavit. Self-declaration should only be used as a last resort and every attempt made to verify the household has no other income.

Documentation can include:

- Copies of pay stubs;
- Social Security payment statements; and/or
- Personal grant award letters.

*Note: HUD considers regular and reoccurring gifts or contributions to be counted as income and should be considered so in determining income eligibility.*

### **Income Recertification**

Household income eligibility must be recertified annually.

### **Additional Documentation for TBRA, PBRA or STRMU**

Households with zero (0) income who are applying for TBRA or STRMU assistance must also demonstrate that they have enough resources or expect to have enough resources in the near term to pay for basic living such as food, clothing, transportation, and utilities beyond the HOPWA subsidy and/or utility allowance credit provided with TBRA or PBRA.

#### 2.A.3 Other Documentation

The following documentation must be collected prior to providing services:

- Complete and signed application for HOPWA assistance
- Current signed release of information forms
- HIV+ Status Verification
- Documentation and verification of need, including appropriate documents [i.e., eviction notices, delinquency of mortgage, utility payment notices, etc., and explanation of why the household cannot pay (*Short-Term Rent, Mortgage and Utility assistance only*)]
- HUD Housing Quality Standards (HQS) or HOPWA Habitability Standards (HHS) inspection (*Tenant- Based Rent Assistance or Project-Based Rent Assistance only*) – *Note: Project Sponsors should refer to Appendix E – Carbon Monoxide Detection to further assist with guidelines related to units assisted with HOPWA funding.*
  - Effective December 27, 2022, per HUD, Office of Community Planning and Development (CPD), [Notice CPD-22-15](#), grantees and/or project sponsors should assess for carbon monoxide (CO)
  - A question should be added to the HQS or HHS regarding the presence of functioning CO alarms or detectors
- Specific to assistance for STRMU or PHP related to CO
  - Project Sponsors are allowed to rely on self-certification of the tenant or owner that the dwelling unit meets the CO detector and alarm requirements
  - Grantee and/or project sponsor should work together to develop a training, a standard checklist, or other reasonable procedures to make sure the owner or tenant understands and applies the applicable criteria when making the self-certification that CO detectors or alarms are installed as required.
  - The self-certification should be kept in the assisted household's file and document the method(s) used to confirm the presence of a functioning CO detector or alarm in the unit

- Reasonable rent certification (*Tenant-Based Rent Assistance and Project-Based Rent Assistance only*)
- Unit inspections, if applicable
- Income updates as needed based on change in household income, and at least annually
- Current lease agreement for Tenant Based Rent Assistance or rental agreement for Project-Based Rent Assistance, as applicable
- Household rent calculation worksheets
- Accurate tracking of the 21-week limit on STRMU assistance
- Case notes
- Housing Plan
- Termination Form when appropriate

## 2. Housing Assistance

Payments for housing assistance must be directly paid to the landlord, property owner, or mortgage company. Tenants may not be charged any other program fees beyond the calculated rental share except for application screening fees for new households, and late fees on delinquent rent payments.

### 2.A Rental Agreements and Leases

Rental agreements or leases between a landlord and household must be in effect when Tenant Based Rental Assistance (TBRA), (STRMU), or Housing Placement assistance is provided.

At a minimum, the lease or rental agreement between the household and the landlord must contain the following elements and be kept in the household file:

- Name of tenant and occupants
- Utility responsibilities
- Name of landlord
- Address of rental property
- Occupancy (who gets to live at the rental)
- Terms of agreement (lease start and end date)
- Rent rate and date due
- Deposits (if any and what for/term)
- Signature of tenant/date
- Signature of landlord/date

### **Reasonable Accommodations**

Generally, recipients of HOPWA are prohibited from renting from a family member of the participating household. Exceptions may be approved if the unit would provide a reasonable accommodation for a household member with disabilities. See Appendix A – Reasonable Accommodations for more detail.

### 2.B Tenant-Based Rental Assistance (TBRA)

Tenant-Based Rental Assistance (TBRA) is a rental subsidy that helps make up the difference between what a renter can afford to pay and actual rent for a home.

### 2.B.1 Rent Standard

Project Sponsors are responsible for establishing a rent standard as specified in 24 CFR 574.320 (a)(2). Project Sponsors may use HUD's published Fair Market Rent (FMR) schedules OR the local Public Housing Authority's (PHA) Housing Choice Voucher payment standard. HUD allows PHAs to set the Housing Choice Voucher payment standard between 90 percent and 110 percent of FMR.

Project Sponsors using FMR as the rent standard may increase the rent standard by up to 110 percent of FMR, on a unit-by-unit basis, but may do so for no more than 20 percent of HOPWA households served. Current FMRs are published on the HUD website at <http://www.huduser.org/portal/datasets/fmr.html>.

### 2.B.2 Tenant Rent Share Calculation

Project Sponsors must use the HUD Income and Resident Rent Calculation Worksheet (or equivalent) in determining household annual income and monthly rent share. The worksheet can be found on the HUD website at <https://www.hudexchange.info/resource/1835/hopwa-income-resident-rent-calculation/>.

#### **Tenant Rent Share**

Households with income that are receiving rental assistance or residing in any rental housing assisted with HOPWA funds must pay a share of monthly rent as described below.

The tenant rent share, including utilities, must be the higher of:

- 30 percent of household's monthly adjusted income (typical adjustments include allowance for dependents, medical expenses, childcare expenses in certain cases)

OR

- 10 percent of household's monthly gross income.

#### **Income Deductions**

Households may be eligible for special deductions or exclusions, such as the Earned Income Disregard, childcare deduction, or medical expenses. All low-income persons with HIV only (even if they have no other defined disability) are eligible for the \$400 per year disability deduction if they are enrolled in a TBRA or facility-based HOPWA program.

For more detail regarding the deductions households may be eligible for, see Chapter 4 of the [HUD HOPWA Rental Assistance Guidebook](#).

#### **Recalculation of Rent**

Rents must be recalculated as needed, based on changes in household income, and should be reviewed regardless or at least annually.



## Utilities and Utility Allowances

If households pay utilities out-of-pocket, rents must include a utility allowance. Use the utility schedule provided by the local housing authority. In cases where a utility allowance credit results in a negative number, Project Sponsors must refund the negative balance either directly to the household OR to the utility company.

Households may NOT pay out of pocket the difference between the FMR/Payment Standard and the actual rent.

### 2.B.3 Reasonable Rent

Project Sponsors must ensure that the rents being charged for the assisted units are reasonable, as described in the HOPWA regulations 24 CFR 574.320 (a)(3). Rent reasonableness is conducted to ensure that rent charged for a unit is comparable to similar units in the private unassisted market. See Appendix B – Rent Reasonableness for more detail.

### 2.B.4 Housing Inspections

All units must be inspected prior to the start of subsidy payments, and they must be re-inspected annually. Inspections can be based on HUD Housing Quality Standards (HQS) or HOPWA Habitability Standards as described in the [HOPWA regulations 24 CFR 574.310\(b\)](#).

Inspection findings must be documented using HUD-52580-A HQS inspection checklist or equivalent format and kept in the household file.

## Lead-Based Paint Inspections

For a guide to compliance see Appendix C – Lead-Based Paint for more detail.

### 2.C Project-Based Rental Assistance (PBRA/Transitional)

*This is not a service that is currently provided.*

### 2.D Short-term Rent, Mortgage and Utility Assistance (STRMU)

STRMU provides emergency short-term assistance that helps maintain stable living environments for households who are experiencing a financial crisis and may face homelessness. The assistance should provide a bridge to more permanent housing solutions if possible.

STRMU is a homeless prevention intervention and is intended to improve access to health care and other supportive services. **STRMU assistance enables income-eligible individuals or families living with HIV/AIDS, and who are at risk of becoming homeless, to receive short-term rent, mortgage, and/or utility assistance for a period not to exceed 21 weeks in any 52-week period.** STRMU funds can be used to pay past-due and ongoing rent payments, mortgage payments, and/or utility payments. Late and/or reconnect fees are allowable. Utility and rent security deposits and telephone service costs are not allowable under STRMU.

## Examples of Emergency Needs

- Applicant experiences a sudden loss of income due to changes in health
- Applicant has lost employment and has not yet been found eligible for SSDI
- Applicant’s household loses a source of income when household composition changes
- Applicant’s household faces eviction, foreclosure, or utility shut-off
- Applicant faces extraordinary and unexpected health care costs

### 2.D.1 STRMU Eligible Activities

Funds are used to provide only rent, mortgage, or utility payments to prevent homelessness. Needed supportive services and case management appropriate to individuals to maintain independent living must also be provided. STRMU funds may not be used for move-in costs (see Permanent Housing Placement). Households assisted must already be housed in a rent or mortgage situation.

### 2.D.2 Household Eligibility for STRMU

Documentation requirements for STRMU assistance:

- Documentation of HOPWA eligibility
- Evidence of tenancy, ownership, or residency:
  - Lease naming the tenant as the leaseholder or eligible household occupant;
  - Default/late payment notice that identifies eligible client, or a resident member of the family, as a named tenant under the lease;
  - A deed accompanied by a mortgage or deed of trust; and
  - mortgage or deed of trust default/late payment notice which identifies the eligible client or resident member of a family as the property owner/debtor.
- Evidence of need (See Evidence of Responsibility for Debt):
  - Verify the applicant’s request is for actual costs;
  - Verify that other sources such as household income are not reasonably available to address the unmet need;
  - Verify that STRMU assistance will meet the need; and
  - Assess the applicant’s ongoing housing needs and develop housing plans for more permanent or stable housing solutions.
- Eviction notices, delinquency of mortgage, utility payment overdue notices, etc., and explanation of why the household cannot pay.

This documentation is required at the beginning of the short-term assistance, and a housing plan must be developed that addresses the steps to be taken by the household and Project Sponsor to assist in maintaining housing stability in the long-term, even if the household only accesses STRMU once.

### 3.D.2 STRMU Limits

STRMU payments are limited to a maximum of 21 weeks during any 52-week period and are not intended to provide continuous assistance. Project Sponsors can define a year one of three ways and the method selected should be used consistently for all households across the region:

- Based on the calendar year

- Based on the project's operating year
- Based on a participant's year (one year from the beginning date of the debt period paid by STRMU).

Project Sponsors can choose to pay eligible rent, utility, and mortgage payments that predate their enrollment in the HOPWA program. The number of weeks covered are included in the 21 weeks of assistance and begins the date of the debt period paid.

HOPWA **must not** be used to pay for property taxes or condominium fees.

STRMU limits can also be capped, based on program budgets, i.e., limiting funds to a specific amount per household per 21 weeks. However, the cap should be high enough to realistically assist the household in achieving stability with the STRMU payment.

**Household client files must have a tracking sheet documenting the number of weeks assistance is provided.**

### 3.D.3 Evidence of Responsibility for Debt

For Short-Term Rent, Mortgage, and Utility assistance, the household must present evidence that they are the named tenants under a valid lease for property in which they have been residing for a time before seeking HOPWA assistance or be the owner of a mortgaged dwelling in which they reside and have responsibility for paying utilities.

Evidence includes:

- The lease or a default/late payment notice that identifies the household as the named tenant under the lease (**a lease must be included even if the assistance is utility assistance only**)
- A deed accompanied by a mortgage or deed of trust
- A mortgage or deed of trust default/late payment notice that identifies the household as the property owner/debtor
- A title insurance policy identifying the household as the property owner/debtor
- Copies of money orders or cancelled checks evidencing payment of rent or utility bills for an account

### 3.D.4 STRMU and Other Rental Assistance

HUD prohibits STRMU payments being made to an individual or household that is already receiving rental assistance through HOPWA or another federal, state, or local housing subsidy program, including Housing Choice Voucher.

## 2.E Permanent Housing Placement

Permanent Housing Placement (PHP) expenses should be charged to the Permanent Housing Placement budget category.

PHP costs can include application fees, related credit checks, and reasonable security deposits necessary to move households into permanent housing. The total deposit assistance should not exceed two months' worth of rent plus the application fees and credit check fees.

**Remaining deposit funds must be returned to the Project Sponsor and are treated as program income.** That income must be reinvested in other HOPWA-eligible activities, regardless of what HOPWA program year the funds were originally issued.

### Recovery of Deposits

- Security deposits are program funds that must be returned to the program when the assisted tenant leaves the unit;
- Programs must maintain a record of all security deposits; and
- Good faith effort must be made to recover program funds upon the departure of the beneficiary from the unit.

## 2.F Housing Plan

Households must have a housing stability plan. Effective housing stability plans clearly link barriers to obtaining or maintaining stable housing to the action items that overcome barriers. Action items should be customized and specific to the household. Regular and frequent progress updates should be made to the plan itself or noted in household file case notes.

A good housing plan includes:

- Information regarding stability of current housing situation
- Information regarding recent housing or homelessness history
- Identification of causes of housing instability
- Identification of barriers to stability
- Individual service and housing plans that address barriers
- Progress tracking
- Details regarding the household's and Project Sponsor's roles

HOPWA assistance is not considered permanent housing. Moving households to a permanent situation should be considered in the housing plan. Please see [HUD Exchange](#) for guidance and template for Housing Plans.

## 2.G Manufactured Housing

Manufactured homes and/or home sites are eligible under tenant-based rental assistance, STRMU, and Permanent Housing Placement activities. For details of assisting households in manufactured housing, see Chapter 4 of the [HUD HOPWA Grantee Oversight Resource Guide](#).

## 3. Supportive Services

Appropriate supportive services must be made available to persons receiving housing and must be optional for the household. Payment for such additional services may not be a condition of residency. The primary goal of HOPWA is to provide housing assistance to eligible households

to ensure housing stability. In general, the emphasis of HOPWA should be on housing assistance rather than supportive services. Supportive services provided with HOPWA funds should focus on supporting the housing stability of program participants.

Supportive services include:

- Adult day care and personal assistance
- Alcohol and drug abuse services
- Case management/household advocacy/coordination of benefits
- Childcare and other child services (because the parent(s) is actively working or seeking work that lends itself to improving their household stability)
- Education
- Employment assistance and training
- Health/medical/intensive care services, if approved by HUD and documentation that there is not another available resource for paying (may not be provided to household members and drug payments may not be made in substitution for ADAP payments)
- Some legal services
- Life skills management
- Meals/nutritional services (no gift cards or grocery vouchers)
- Mental health services
- Outreach
- Transportation (no car repairs or gas vouchers)

**HOPWA funds must not be used for personal items such as clothing, grooming supplies, furniture, entertainment activities, pets, financial assistance, or consumer credit payments.**

### **Health Services**

HOPWA regulations and additional HUD guidance place strong limitations on the direct use of HOPWA for health-related expenses.

The limitations are:

- Health services can only be provided to persons living with HIV or AIDS (24 CFR 574.300b(7)).
- Payments for health services may not be made to the extent that payment can come from another public or private source (24 CFR 574.310a(2)).
- Payments may not be made in substitution for AIDS Drug Assistance Program (ADAP) payments.
- Any health services to be paid by HOPWA must be approved directly by HUD.
- Health-related payments can only be considered for approval on a case-by-case basis.
- Organizations must document reasonable efforts to qualify beneficiaries for available types of health care support, including health insurance and other programs.

*Project Sponsors must contact the Office of HIV on a case-by-case basis regarding whether costs for a specific health service can be allowed.*

Health and medical-related costs must be related to the household's illness or loss of income. Health expenditures are prohibited unless it can be directly related to housing stability through employment or school in some way. An example is if a household needs help paying for prescription glasses and will not be able to work or go to school without them. HOPWA may cover the cost if no other resource is available to cover it.

It must also be documented that other resources were contacted for help in paying these costs and were unable to assist. Documentation should include date of contact, name of organization and contact person. Results of the contact should be detailed in the household file.

### **Nutritional Services**

A non-facility housing program can purchase a limited amount of bulk nutrition products like Ensure, canned chicken, tuna, beans, etc., and if a freezer is available, fresh meat. This would be paid for as a HOPWA Supportive Service.

Another Supportive Service activity is to purchase "access slots" from a food bank/pantry that households can use for emergency nutritional needs, if you are sure the food bags provided contain enough nutritional items. Households should sign a confirmation each time they receive food. For non-facility housing programs, it is important to make sure HOPWA funds are not paying for nutrition that is available through other means.

Under the HOPWA Competitive Grants, Supportive Services are limited to 35 percent of the grant total.

## **4. Case Management**

Grantee and Project Sponsor are receiving technical assistance on how to properly document provision of this service. Policy and Procedure will be updated to reflect this information.

## **5. Termination and Grievance Process**

Project Sponsors must have in place a procedure that governs the termination and grievance process. These procedures should describe the program requirements and the termination process, as well as a grievance procedure that might, for example, allow participants to request a hearing regarding the termination of their assistance. The procedures should be readily available to participants.

Project Sponsors may terminate assistance provided to participants who violate program requirements, including commission of fraud, bribery, or any other corrupt or criminal acts in connection with any federal housing program. Such acts include failure to disclose a material fact used in deciding the household's eligibility to receive services.

The Project Sponsor must have a written policy in place when termination of assistance is due to death of the HOPWA participant, and there are surviving household members. The sponsor should establish a reasonable grace period of continued assistance to surviving household members, not to exceed one year, beginning from the date of the participant's death.

## 6. Administrative Requirements

### 6.A Billing Procedures

Project Sponsors must bill the Office of HIV monthly for reimbursement of allowable, actual costs using the standard State of Nevada Request for Reimbursement (RFR) template, no later than the 15th of the month following the service month. Payment will be made upon receipt of all required documents and report. Failure to submit a monthly invoice within a timely manner will result in delayed or withheld payment.

### 6.B Project Sponsor Administration

Project Sponsors may spend up to 7 per cent of their HOPWA award on Administrative costs. Allowable administrative costs benefit the organization and cannot be attributed specifically to a program or to the homeless crisis response system. Administrative costs may include the same types of expenses that are listed in program operations (such as IT staff and office supplies), in the case that these costs are benefiting the agency and are not attributed to a program or the homeless system. Administrative costs may include, but are not limited to, the following:

- Executive director salary and benefits.
- General organization insurance.
- Organization wide audits.
- Board expenses.
- Organization-wide membership fees and dues.
- General agency facilities costs (including those associated with executive positions) such as rent, depreciation expenses and operations and maintenance.

All amounts billed to administration must be supported by actual costs. If actual costs exceed the budgeted limit, they may be charged in equal monthly amounts. These costs must be charged to grant cost centers by one of the following three methods:

- Billed directly (such as IT services that are billed by the hour);
- Shared costs that are allocated directly by means of a cost allocation plan; and
- Costs related to executive personnel such that a direct relationship between the cost and the benefit cannot be established must be charged indirectly by use of an indirect cost rate which has been appropriately negotiated with an approved cognizant agency or by use of the 10 percent de minimis rate.

#### 6.B.1 Unallowable Costs

Per 48 CFR Section 31.2/FAR 31.2 are considered unallowable costs and Project Sponsor will not be reimbursed for incurring such costs.,

### 6.C Program Costs

Project Sponsors should be made aware of the following:

- Costs of managing rental assistance is a **direct program cost, not an administrative cost**

and should be charged to the appropriate housing assistance activity, i.e., TBRA, STRMU, Permanent Housing Placement. This may include staff time calculating subsidies, performing housing inspections, etc.

- All staff time associated with a HOPWA housing activity must be tracked, billed, and reported as part of that housing activity expense. Time sheets must reflect the actual time spent with households.

For more information, please refer to the HOPWA Financial Management Training Manual.

### **Budget Revisions**

The HOPWA approved budget is outlined on the Grant Face Sheet. Budget revisions are subject to the following parameters:

- The Project Sponsor may make budget revisions of up to 10 percent of the total budget without an amendment.
- Funds may be transferred between any categories if Administration never exceeds 7 percent of the total grant amount.

### 6.D Repayments

HOPWA funds used to assist households who do not meet the eligibility requirements, or to lease units where an inspection has not been completed, or the rent is not reasonable, must be repaid to the Office of HIV.

### 6.E Confidentiality

Project Sponsors must ensure the confidentiality of the identity of any person receiving HOPWA assistance. Personal participant eligibility documentation must only be accessible to Office of HIV and the Project Sponsor. HOPWA household files must not be kept in the same location as other non-HOPWA or general files. Project Sponsors will have staff associated with HOPWA assistance to complete HIPAA and Personally Identifiable Information (PII) trainings and provide said information to Grantee upon request and during monitoring visits.

Project Sponsors must have written confidentiality policies and procedures in place that describe how a participant's confidentiality is protected. The policy, at a minimum, should address:

- How staff will gather, record, and store confidential information.
- The consent process for the release of confidential information.
- Standards contained in relevant state and federal laws including HIPAA compliance and HIV confidentiality statutes.
- Privacy standards related to data collection and use of participant information for program reporting.
- Project Sponsors must use a Unique Identifier (UI) for the household files that can be verified against a master list of UI codes during a site monitor visit. Household names must not be on the outside of a file.

### 6.F Records Retention



HOPWA related program and financial reports and information, including household files must be kept for six years after the grant period ends, per the State of Nevada Record Retention Policy.

#### 6.G Fraud

Commission of fraud, bribery, or any other corrupt or criminal acts by Project Sponsors will result in termination of the HOPWA grant. Per 24 CFR Part 85, the Office of HIV may direct the Project Sponsor to reimburse the HOPWA program for costs inappropriately charged to the HOPWA program.

#### 6.H Reports

The Project Sponsor is responsible for submitting required reports by the due dates indicated below:

Report	Due Date
<b>Request for Reimbursement (RFR)</b>	The 15 <sup>th</sup> day of the month following the month in which services were provided
<b>Consolidated Annual Performance and Evaluation Report (CAPER)</b>	On date requested by Office of HIV, typically 90 days after the end of the current project period

#### 6.I Monitoring

Office of HIV programmatic and fiscal staff will monitor every Project Sponsor on a schedule determined from the results of a grant risk assessment. Monitoring may be on-site or remote. Monitoring conducted remotely may consist of the following:

- Review of monthly invoices or Request for Reimbursements (RFRs); and
- CAREWare client-level information, including review of STRMU, TBRA, PHP and any case management notes

The above items will be reviewed depending upon what findings are identified in the grant risk assessment to ensure the Project Sponsor remains in compliance with delivery of HOPWA related services to eligible clients.

#### 6.J Policies and Procedures

The following policies and procedures are required:

- Confidentiality
- Termination and Grievance
- Absence from Unit
- Re-certification of Household Eligibility
- Continuation of Assistance to Household Members after death of HOPWA Participant
- Collaboration with Housing Choice Voucher (Section 8)

- Rent Reasonableness assessment methodology and frequency

## 7. Grantee Management and Training

Executed written agreements with Project Sponsors, as well as Project Sponsors service contractors, will comply with HOPWA program requirements including monitoring covered by [24 CFR 574.500](#) and [24 CFR 574.3](#).

Grantee will follow 2 CFR 200.330 for making case-by-case determinations of whether an entity is receiving the funds in the role of Project Sponsor or contractor.

### 7.A Monitoring of Non-Compliance/Risk

Grantee will evaluate each Project Sponsor/Project Sponsor's risk of non-compliance with Federal statutes, regulations, and terms and conditions of the subaward for purposes of determining the appropriate monitoring. Evaluations may include prior experience with same or similar subawards, previous audits, new personnel or new systems and previous HUD monitoring.

Form is completed internally by Management Analyst I and reviewed by HIV/AIDS Program Manager. This form is included in subaward packet that is submitted internally for Division of Public and Behavioral Health, Business Administration to review before subaward is approved. This document is available upon request.

The Grantee will clearly identify all subawards to a Project Sponsor/Project Sponsor and will include the following information at the time of the subaward:

- Project Sponsor/Project Sponsor name that matches the name associated with the unique entity identifier
- Project Sponsor/Project Sponsor unique identifier
- Subaward period of performance start and end date
- Total amount of HOPWA funds committed to the Project Sponsor/Project Sponsor by the Grantee
- Amount of Federal funds obligated by the Grantee to the Project Sponsor/Project Sponsor
- Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)
- HUD's name, name of Grantee, contact information for the awarding official of the Grantee
- Catalog of Federal Domestic Assistance number and name of the HUD program under which the award is made
- Indirect cost rate for the subaward, if applicable (which must be an approved Federally-recognized indirect cost rate negotiated between the Project Sponsor/Project Sponsor and the Federal government or, if no rate exists, either a rate negotiated between the pass-through entity and the Project Sponsor/Project Sponsor (in compliance with 2 CFR part 200), or a de minimis indirect cost rate as defined 200.414(f))
- All requirements imposed by the Grantee on the Project Sponsor/Project Sponsor so that the subaward is used in accordance with the Federal statutes, regulations, and

terms and conditions of the HUD award to the Grantee

- Any additional requirements imposed the Grantee on the Project Sponsor/Project Sponsor for the Grantee to meet its own responsibility to HUD, including identification of any required financial or performance reports
  - a. A requirement that the Project Sponsor/Project Sponsor permit the Grantee and auditors to have access to the Project Sponsor/Project Sponsor's records and financial statements as necessary for the Grantee to meet its requirements under 2 CFR part 200
  - b. Appropriate terms and conditions concerning the closeout of the subaward

#### 7.A.1 Oversight

Grantee will monitor or review the performance of each Project Sponsor/Project Sponsor to ensure the subaward was used for authorized purposes in compliance with Federal statutes, regulations, and terms and conditions of the subaward; ensure that the goals are being achieved. The monitoring will include financial and performance reports; timely and appropriate actions on all deficiencies; issuing a management decision for audit findings as required by 2 CFR 200.521.

The Grantee will perform on-site monitoring of all Project Sponsors/Project Sponsors and will identify "high risk" Project Sponsors/Project Sponsors to prioritize monitoring. Grantee will determine if Project Sponsor meets audit requirements of 2 CFR 200.501 and ensure audit occurs when requirements are met. Outcomes of audits, site reviews or other monitoring tools will dictate adjustments to Grantee's records and enforcement actions.

Grantee will use appropriate documentation for all reviews and clearly delineate areas monitored, conclusions reached and any necessary corrective actions. Results will be communicated to Project Sponsor/Project Sponsor in a timely manner with opportunity to respond. Appropriate resources will be provided to Project Sponsor/Project Sponsor including training, information, and technical assistance.

For standards or procedures for oversight/monitoring of Project Sponsors/Project Sponsors, see Appendix D for more details.

#### 7.B Internal Controls

The Grantee will establish qualifications of the conductors of financial transactions on behalf of the Project Sponsor/Project Sponsor. The Grantee will ensure that time, effort, and charges are appropriately accounted for in HOPWA.

Conflicts of interest between participants and Project Sponsors/Project Sponsors or between Project Sponsors/Project Sponsors and respective contractors will be reported and addressed.

#### 7.C Performance Reporting

Grantee will collect complete, accurate, timely and comprehensive data for all HOPWA Project Sponsor/Project Sponsor activities and will report to HUD in the CAPER, IDIS and/or APR.

Grantee will have a tracking method for these reports.

Grantee will review the accuracy and verify the performance data for project monitoring. Actual housing outputs (number of households to be assisted during the year) and achieving household stability number will be provided. Variations in performance and adjustments to program efforts will be addressed in reporting to HUD.

Grantee will utilize the following mechanisms to reconcile performance and adjustments to program efforts by Project Sponsor. Should any deviation from goals outlined in the most recent Consolidated Plan and/or Action Plan occur, which could trigger either an amendment or substantial amendment, as well as the most recent CAPER; Grantee will ensure prompt notification of such adjustments to HUD either directly or through State of Nevada Governor's Office of Economic Development (GOED) Program Representative:

- IDIS Report PR-02: List of Activities by Program Year and Project
- IDIS Report PR-05: Drawdown Report by Project & Activity
- HOPWA Tracking Log
- CAREWare reports

The above reports will be reviewed on a monthly and quarterly basis to ensure performance goals are met and adjusted as needed.

## 8. Fiscal Management

Grantee will ensure HOPWA funds are being used in accordance with guidance from HUD, any pertinent CFRs and other applicable federal and state guidelines.

### 8.A Fiscal Management System

All transactions will be recorded in an accounting manual and a chart of accounts with backup documents and allotted appropriately for formula or competitive grants. All transactions will go through the appropriate approval process. All transactions will be for eligible activities based on the consolidated plan or approved competitive applications. Account recording will be kept including expended and unexpended/unobligated balances for both formula and competitive grants, as applicable.

### 8.B Advances from HOPWA

Financial records show payments were made for eligible costs occurred within three (3) business days of depositing funds. Federal Financial Reports (FFR) will be submitted in a timely manner. If advances are deposited into an interest-bearing account, interest will be paid to HUD.

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## 8.C Internal Controls

Request for Reimbursements (RFR) are handled as follows:

Process	Responsible Party	Outcome	Deadline
Review expenditures, review budgets, provide supporting document to complete RFR and submit to Office of HV	Project Sponsor	Submitted to Office of HIV for review and reimbursement	By the 15 <sup>th</sup> of the following month services were provided
Received submitted RFR and review for completion. If revisions are required, communicate revisions needed	Accounting Assistant III (AAA III)	Submitted to Management Analyst I (MA I) for review	Within five (5) business days
Receipt of completed RFR to be approved for reimbursement from AA III & request to have voucher approved in IDIS	MA I	Submitted to Health Program Manager II (HPM II) for review and approval	Within five (5) business days
Review and approve RFR and voucher request in IDIS and return to MA I for continued processing	HPM II	Return to MA I	Within two (2) business days
Completed RFR is submitted to DPBH Business Office for Processing	DPBH Business Office	RFR is reviewed for reimbursement and paid to Project Sponsor	With seven (7) business days

Fidelity bond coverage will be obtained for responsible officials.

Chart of accounts includes a complete listing of accounting numbers used to support the controls to ensure resources do not exceed authorizations. Appropriate approval process will be used.

Separation of duties will be enacted so that financial transaction principles are followed. Any problems or non-compliance issues will be reported to management.

Financial statements are created and presented in generally accepted accounting principles and regulatory requirements.

#### 8.D Reporting Information

Reporting in official Grantee records should match HUD's financial management systems (e.g., LOCCS IDIS) and any performance reports for the period covered by the last CPD-required performance report.

Program income generated by Project Sponsors will be tracked and reported accurately. Upon expiration of grant agreements between the Grantee and Project Sponsors, funds will be transferred back to the Grantee within 45 days.

#### 8.E Salaries and Wages

Salaries and wages, whether direct or indirect costs, will be charged to HOPWA in generally accepted practices for the organization and appropriately approved to include time and effort documentation and meet 24 CFR 85.22; OMB Circular A-87, attachment B, section 8 (h) (3); 24 CFR 84.27; OMB Circular A-122, attachment B, section 8 (m).

#### 8.F Indirect Costs

Indirect costs are not to be charged to HOPWA without approval from the Grantee. If they are approved, then charges will have Cost Allocation Plans developed in accordance with OMB Circular A-87, Attachment A, Section F (state/local governments) or OMB Circular A-122, Attachment A, Section C.

#### 8.G Minority-Owned Financial Institutions

Minority owned financial institutions will be sought out to use in conjunction with the grant program whenever possible.

#### 8.H OMB Circular A-133: Audits of States/Local Governments and NPOs

Audits will be performed in a timely manner by independent qualified personnel in alignment with the Comptroller general's audit standards. The audit report will include an opinion on whether the financial statements are presented fairly in all material aspects in conformity with GAAP and whether the schedule of expenditures is presented fairly in all material respects. All audit finding will be treated consistently.

Grantee's financial statements will reflect its financial position, results of operations or changes in net assets and, where appropriate, cash flows for the fiscal year.

Grantee will inform Project Sponsors of the audit requirements in OMB Circular A-133 at the beginning of the performance period. Grantee will determine if Project Sponsor has expended \$750,000 or more in a fiscal year to meet the requirements of OMB Circular A-133.

Grantee will ensure that:

- Project Sponsor has internal accounting and other controls to provide reasonable assurance that it is managing Federal financial assistance programs in compliance with applicable laws and regulations.

- Project Sponsor that has expended \$750,000 or more has complied with laws, regulations and provisions of grant agreements or contracts that may have a direct or material effect on each of its major programs.
- Audit reports of Project Sponsors that expended \$750,000 or more were submitted within 30 days after receipt of auditor's report but not later than nine (9) months after the end of the audit period.
- Audit costs are allowable as a direct cost or as an allocated indirect cost as determined in accordance with applicable OMB cost principles.
- Corrective actions for the Project Sponsor are necessary and appropriate to resolve finding and that corrective actions are taken.

Grantee will issue management decisions for audit findings within six (6) months after receipt of Project Sponsor's audit reports and provide follow up to ensure appropriate and timely corrective action. Grantee will have means to determine whether the Project Sponsor audit necessitates adjustment in participant's records.

Project Sponsor will permit independent auditors and participant staff access to records and financial statements to comply with OMB Circular A-133. All audits will be treated consistently.

*The following processes are being developed in conjunction with programmatic/fiscal staff of Office of HIV and fiscal staff contained with DPBH Business Office and Administration, once developed this policy and procedure will be updated to reflect pertinent information:*

- *The process for Grantee to review and make determinations to accept or reject finding and properly document;*
- *The process to refer agency contested findings and determinations to senior level officials, outside of normal chain of command, for resolution;*
- *The procedure to inform HUD and Federal law enforcement authorities of illegal acts or irregularities; and*
- *The procedure to establish an account receivable from Project Sponsor when a monetary sanction is involved.*

An effort will be made by Grantee and Project Sponsors to use small business, minority owned firms and women's businesses to procure audit services.



## 9. Appendix A – Reasonable Accommodations

24CFR 982.306 (d) states:” The Public Housing Authority (PHA) must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the household, **unless** the PHA determines that approving the unit would provide reasonable accommodation for a household member who is a person with disabilities.”

Because PWAs often rent from household when they need care and support for their illness, and because low-income families may need the rental income to help support the additional household member, a waiver of this rule may be requested. In this case a written rental agreement from the household must be obtained and maintained in the household file for documentation purposes. An inspection of the unit is also required.

Further, HOPWA prohibits renting a room, apartment, or home from a household member – whether the household member lives in the unit, or not. This also applies to renting from an unmarried partner who resides at the same residence. If a household lives with a household member and the total household income falls under the 80percent AMI, then HOPWA may assist the entire household. In rare cases HUD will allow renting from a household member under “Reasonable Accommodation.”

### Information to consider when reviewing a reasonable accommodation request:

“A housing provider may not ordinarily inquire as to the nature and severity of an individual's disability. However, in response to a request for a reasonable accommodation, a housing provider may request reliable disability-related information that (1) is necessary to verify that the person meets the Fair Housing Act’s definition of disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities), (2) describes the needed accommodation, and (3) shows the relationship between the person’s disability and the need for the requested accommodation. Depending on the individual’s circumstances, information verifying that the person meets the Act's definition of disability can usually be provided by the individual himself or herself (e.g., proof that an individual under 65 years of age receives Supplemental Security Income or Social Security Disability Insurance benefits or a credible statement by the individual). A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who can know about the individual's disability may also provide verification of a disability.

In most cases, an individual's medical records or detailed information about the nature of a person's disability is not necessary for this inquiry. Once a housing provider has established that a person meets the Act's definition of disability, the provider's request for documentation should seek only the information that is necessary to evaluate if the reasonable accommodation is needed because of a disability. Such information must be kept confidential and must not be shared with other persons unless they need the information to make or assess a decision to grant or deny a reasonable accommodation request, or unless disclosure is required by law (e.g., a court-issued subpoena requiring disclosure).”

## 10. Appendix B – Rent Reasonableness

### When to Conduct a Rent Reasonableness Assessment

Program staff are required to assess rent reasonableness of a unit:

- Before entering into an agreement with a landlord
- Before increasing the rent to a landlord
- When FMR *decreases* by 5 percent or more from the previous year's FMR.

### Determining Rent Reasonableness

HOPWA Project Sponsors must establish and maintain a policy and procedure for determining rent reasonableness. Program staff must document the rent reasonableness assessment in the household file.

### Determining Rent Reasonableness

Program staff should not assume that if the rent of an assisted unit is within the established rent standard (usually FMR) that the unit's rent is reasonable. It is possible that a unit may be within the rent standard established by the Project Sponsor and still not be reasonable. Program staff must document for each unit that a reasonable rent is being charged compared to other units in the private market and must verify, if applicable, that the rent of a unit is reasonable compared to the rent of other comparable unassisted units owned by the same landlord. There are two acceptable methods for determining rent reasonableness:

- **Using a market study.** A market study conducted by a local Public Housing Agency (PHA) or other entity in conducting their rent reasonableness assessment may be used. In some cases, HOPWA Grantees and Project Sponsors have worked in partnership with their local PHA to gain access to rent reasonableness assessments conducted by, or for, the PHA. Such information can provide the necessary data needed to complete the rent reasonableness assessment in the household file.
- **Review of comparable units.** A Grantee or Project Sponsor may also choose to conduct their own periodic review of comparable units (performed quarterly at a minimum). This is usually the best option for smaller programs or for programs that serve a large or varied geographic region that may be different than any one PHA. A review of rent reasonableness can often be completed during the HOPWA habitability standards review. The rental assistance program should develop clear policies detailing how the reviews will be completed. The policies should include resources regarding factors to consider when comparing units, finding comparable units, and methods of documentation. The periodic market study can provide the necessary data needed to complete the rent reasonableness assessment in the household file.

### Comparison factors:

Factors to consider in conducting the assessment, include the following:

- Location of the unit: in what neighborhood is the unit located? What are the distances to public transportation, shopping, work, and other services?
- Size of unit: how many bedrooms does the unit have?
- Type of unit: is the unit attached or unattached? Is it in a large or small complex?

- Age of unit: when was the unit built?
- Utilities: which utilities, if any, are included in the rent of the unit?

These first five factors are often the most important for determining variances in rent. The following factors usually do not create substantial differences in rent, although they are addressed in the lease and can affect how quickly a unit will lease:

- Amenities: is a washer/dryer, dishwasher, or new carpet provided in the unit? Do tenants need to pay for washing clothes and linens?
- Housing services: are services provided to tenants?
- Maintenance: does the lease specify some form of tenant responsibility for maintenance of the unit (i.e. lawn care)?

### **Locating Units for Comparison**

There are a variety of methods for locating units for comparison, including newspaper advertisements, internet sites (e.g., [www.craigslist.org](http://www.craigslist.org), [www.rent.com](http://www.rent.com)) and apartment guides. Additionally, some communities have developed 211 systems that include affordable housing as a part of their listed services. Based on the factors discussed above, each unit should be reviewed with at least three other comparable units. When comparable units are not available, best efforts should be made to find similar units in other complexes or in similar geographic areas that are comparable to the location of the unit to be assisted.

### **Documenting the Comparison**

The contract rent for the unit to be assisted should be at or below the contract rent of the three comparable units. If the unit rent is determined to be unreasonable, negotiations with the landlord to adjust the rent appropriately should be pursued, or rental assistance should not be provided for this unit.

In addition to ensuring the rent reasonableness of a unit compared to other private market units, program staff must ensure the rent of a unit is reasonable compared to the rent of other comparable unassisted units owned by the landlord. To meet this second reasonableness requirement, program staff must request certification from the landlord that the rent being charged for the assisted unit is comparable to rents charged for other comparable unassisted units owned by the landlord. The landlord should provide previous rent charged for the unit to be assisted, current rent charged by the landlord for comparable unassisted units, and estimated rent for a comparable unassisted unit, if the unit was vacant. If the requested rent is not reasonable, meaning the rent is not comparable to rent charged for other comparable units owned by the landlord, assistance may not be provided for this unit unless an adjustment in the requested rent is made.

## 11. Appendix C – Lead-Based Paint

To prevent lead-poisoning in young children, Lead/Project Sponsors must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R.

### **Disclosure Requirements**

For ALL properties constructed prior to 1978, landlords must provide tenants with:

- Disclosure form for rental properties disclosing the presence of known and unknown lead-based paint
- A copy of the “Protect Your Family from Lead in the Home” pamphlet

Both the disclosure form and pamphlet are available at:

<http://www.hud.gov/offices/lead/enforcement/disclosure.cfm>. It is recommended that rent assistance providers also share this information with their households.

### **Determining the Age of the Unit**

Lead/Project Sponsors should use formal public records, such as tax assessment records, to establish the age of a unit. These records are typically maintained by the state or county and will include the year built or age of the property. To find online, search for your county name with one of the following phrases:

- “property tax records”
- “property tax database”
- “real property sales”

Print the screenshot for the case file. If not available online, the information is public and can be requested from the local authorities.

### **Conducting a Visual Assessment**

Visual assessments are required when:

- The leased property was constructed before 1978;

*AND*

- A child under the age of six or a pregnant woman will be living in the unit occupied by the household receiving HOPWA rent assistance.

A visual assessment must be conducted prior to providing HOPWA rent assistance to the unit and on an annual basis thereafter (if assistance is provided.) Lead/Project Sponsors may choose to have their program staff complete the visual assessments or they may procure services from a contractor. Visual assessments must be conducted by a HUD-Certified Visual Assessor.

Anyone may become a HUD-Certified Visual Assessor by successfully completing a 20-minute online training on HUD’s website at:

<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

If a visual assessment reveals problems with paint surfaces, Lead/Project Sponsors cannot approve the unit for HOPWA assistance until the deteriorating paint has been repaired. Lead/Project Sponsors may wait until the repairs are completed or work with the household to locate a different (lead-safe) unit.

### **Locating a Certified Lead Professional and Further Training**

To locate a certified lead professional in your area:

- Call your state government (health department, lead poison prevention program, or housing authority).
- Call the National Lead Information Center at 1-800-424-LEAD (5323).
- Go to the US Environmental Protection Agency website at <http://cfpub.epa.gov/flpp/> and click on "certified abatement/inspection firms."

For more information on the Federal Training and Certification Program for lead professionals, contact the National Lead Information Center (NLIC) at <http://www.epa.gov/lead/pubs/nlic.htm> or 1-800-424-LEAD to speak with an information specialist.

The Lead Safe Housing Rule as well as a HUD training module can be accessed at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/healthy\\_homes/enforcement/lshr](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/enforcement/lshr)

## 12. Appendix D – Monitoring Tool

Risk Analysis Tool			
Factor	Factor Priority	Factor Score	Sponsor's Rating
<b>I. FINANCIAL</b>			
<b>A. Total grant award amount:</b>			
NOTE: Grantees may adjust these dollar amounts as appropriate in relationship to the overall sizes of their formula or competitive grants and the sizes of their grants to sponsors. The point is to distribute risk according to the relative sizes of the HOPWA contracts overseen by the Grantees.			
i. Over \$225,000	HIGH	10	
ii. \$75,000-\$224,999	MED	5	
iii. \$74,000 or less	LOW	1	
Comments:			
<b>B. Audit</b>			
i. An A-133 audit due for the most recently completed reporting period or any previous reporting period within the three most recent program years has not been submitted <b>OR</b> a sponsor has open findings from an audit and is overdue in carrying out corrective actions.	HIGH	5	
ii. An A-133 audit has been submitted to the Grantee for the most recently completed reporting period as well as the last three program years have been submitted <b>AND</b> the sponsor is on schedule for carrying out corrective actions identified in current or former audits.	MED	3	
iii. A-133 audits are up to date, financial management performance is satisfactory, and any previous corrective actions have been completed as of the date of this review <b>OR</b> the sponsor's audit reports for the three most recently completed program years have indicated no findings.	LOW	1	
Comments:			
<b>C. Timely Expenditures</b>			
i. A sponsor's performance has been untimely in the expenditure of funds in accordance with program requirements, grant agreements, or any amendments; <b>OR</b> a prior problem of this nature has not been resolved as of the date of this assessment.	HIGH	5	
ii. A sponsor is now performing adequately under the Grantee's requirement to correct an identified problem; <b>OR</b> the matter is minor in nature and it is likely to be corrected following a Grantee request.	MED	3	

<p>iii. A sponsor's performance is satisfactory, <b>AND</b> any prior problem was corrected <b>AND</b> there are no known financial problems as of the date of this assessment.</p>	<p>LOW</p>	<p>1</p>	
<p>Comments:</p>			
<p><b>D. Financial Compliance</b></p>			
<p>i. During the most recently completed program year, staff has demonstrated difficulty in the financial management responsibilities for the program, as evidenced through one or more violation(s) of regulations or deficiencies of OMB Circulars or similar requirements as set by the Grantee; <b>OR</b> there are one or more vacancies for key financial management staff of the program that have existed for more than six months ('key financial management staff' is defined as staff with direct oversight of financial records and/or distribution of program funds).</p>	<p>HIGH</p>	<p>5</p>	
<p>ii. Although no substantial violations of regulations have been identified as specified in (i) above, one or more vacancies for key financial staff vacancies have existed for the past 3 to 6 months; <b>OR</b> key financial staff have been hired in the past program year and have not received financial management training in this type of HUD-funded program.</p>	<p>MED</p>	<p>3</p>	
<p>iii. No financial management deficiencies have been identified as evidenced through violations or findings; <b>AND</b> any key financial staff vacancies have existed for less than three months; <b>AND</b> any key staff hired in the past program year have received formal financial management training.</p>	<p>LOW</p>	<p>1</p>	
<p>Comments:</p>			
<p><b>II. PHYSICAL</b></p>			
<p><b>A. Physical Assets—Asset Management</b></p>			
<p>i. A problem or finding that has been identified in the acquisition, development, maintenance or operation of a HOPWA-funded physical asset that has not been resolved as of the date of this review; <b>OR</b> the physical asset has not been monitored within the most recent three program years.</p>	<p>HIGH</p>	<p>5</p>	
<p>ii. A problem or finding with the acquisition, development, maintenance, or operation of the physical asset is currently subject to corrective action pursuant to a Grantee-approved schedule or plan.</p>	<p>MED</p>	<p>3</p>	
<p>iii. The acquisition, development, maintenance, and operation of the physical asset is satisfactory; <b>OR</b> any previously identified problem has been corrected; <b>AND</b> no other problems with the physical asset have been identified.</p>	<p>LOW</p>	<p>1</p>	

iv. No HUD funds are used in the acquisition, development, maintenance, or operation of a physical asset.	NONE	0	
Comments:			
<b>B. Acquisition, Construction and Rehabilitation of Physical Assets</b>			
i. HUD funds were used for the acquisition or construction or rehabilitation of 12 or more units of a physical asset during the operating year	HIGH	5	
ii. HUD funds were used for the acquisition, construction, or rehabilitation of 11 or less units of a physical asset during the operating year.	MED	3	
iii. No HUD funds were used for the acquisition, construction, or any rehabilitation of a physical asset, excluding maintenance or repairs.	LOW	1	
Comments:			
<b>C. Multiple Sites for Physical Management</b>			
i. HUD funds are used for the acquisition, development, maintenance, lease, or operation of physical assets at more than 1 facility site during the grant term.	HIGH	5	
ii. HUD funds are used for the acquisition, development, maintenance, lease, or operation of physical assets at 1 facility site.	MED	3	
iii. HUD funds are used exclusively to support activities not related to the acquisition, development, maintenance, lease, or operation of a physical asset such as any of the following: supportive services, tenant-based rental assistance, leasing of individual units, etc.	LOW	1	
Comments:			
<b>D. Housing Activities</b>			
i. Sponsor provides at least 2 types of HOPWA housing assistance (Tenant- or Facility-based assistance and/or Short-Term Rent, Mortgage, and Utility Assistance).	HIGH	5	
ii. Sponsor provides 1 type of HOPWA housing assistance.	MED	3	
iii. Sponsor is not providing any HOPWA housing assistance	LOW	1	
Comments:			



<b>III. PROGRAM MANAGEMENT</b>			
<b>A. Staff Capacity</b>			
i. During the most recent program year, staff has demonstrated an inability to administer this program as evidenced through one or more violations of regulations or monitoring findings related to this program that the sponsor has failed to resolve within the last six months; <b>OR</b> there are one of more key staff vacancies that have existed for more than six months. (Key staff is defined as staff with assigned management and administrative responsibilities for program compliance with rules and regulations.)	HIGH	20	
ii. No violations of regulations have been identified as specified in (i) above <b>AND</b> one or more vacancies for key staff have existed for the past 3 to 6 months; <b>OR</b> key staff have been hired in the past program year and have not received training in this program.	MED	10	
iii. No program deficiencies have been identified as evidenced through violations or findings as indicated in (i) above, <b>AND</b> any key staff vacancies for the program have existed for less than three months, <b>AND</b> any key staff hired in the past program year have received training in this program.	LOW	1	
Comments:			
<b>B. On-site Monitoring</b>			
i. The Grantee has not conducted an on-site monitoring of the sponsor's program within the last two program years; <b>OR</b> there are one or more overdue open findings.	HIGH	10	
ii. The Grantee has conducted an on-site monitoring of the sponsor's program within the last two program years, <b>AND</b> if any findings were identified they were resolved <b>OR</b> there are open findings that are not overdue.	MED	5	
iii. The Grantee has conducted an on-site monitoring of the sponsor's program within the last two years <b>AND</b> no findings were identified.	LOW	1	
Comments:			
<b>C. Timely and Accurate Submissions</b>			
i. One or more of the sponsor's submissions are incomplete <b>OR</b> are received 30 days or more after the prescribed timeframes. This includes annual (or other scheduled) performance reports, invoices, and documentation.	HIGH	5	

ii. While all documents indicated in (i) above are current and up-to-date for the most recent program year, in the three most recent program years, at least one of the submissions has not been received within the prescribed timeframe <b>OR</b> was incomplete.	MED	3	
iii. All sponsor's required submissions are complete <b>AND</b> have been received by the Grantee within required timeframes for the three most recent program years.	LOW	1	
Comments:			
<b>D. Environmental/Relocation</b>			
i. The sponsor has not demonstrated a record of program compliance <b>OR</b> currently has known compliance problems with either Environmental (Part 50 or 58), or Uniform Relocation Acquisition Act requirements.	HIGH	5	
ii. The sponsor has demonstrated a record of program compliance <b>OR</b> has no known compliance problems with either Environmental (PART 50 or 58), or Uniform Relocation Acquisition Act requirements.	MED	3	
iii. The sponsor has not used HOPWA funds for the acquisition, development, maintenance, lease, or operation of a facility during the most recent program year.	LOW	0	
Comments:			
<b>IV. SATISFACTION</b>			
<b>A. Citizen/Participant Complaints</b>			
i. Citizen or participant complaints have been received during the most recently completed program year through such sources as: citizen letters, phone calls, other providers, newspaper articles, etc., <b>AND</b> when considering the sponsor's response, result in violations of program regulations or findings.	HIGH	5	
ii. Citizen or participant complaints have been received during the most recently completed program year through such sources as: citizen letters, phone calls, other providers, newspaper articles, etc., <b>AND</b> considering the sponsor's response, have not been found in violation of program regulations but there are concerns that could lead to future violations if not addressed by the sponsor.	MED	3	
iii. No valid complaints have been received during the most recently completed program year as described in (i) or (ii) above.	LOW	1	
Comments:			

<b>V. SERVICES</b>			
<b>A. Meeting Program Objectives</b>			
i. Proposed activities to be carried out by the sponsor have not been on schedule during the most recently completed program year; <b>OR</b> activities that are being carried out do not address the intended beneficiaries, sub-populations, or needs of this program.	HIGH	5	
ii. Proposed activities to be carried out by the sponsor are on schedule for the most recently completed program year; however, in the three most recent program years the sponsor has not been on schedule at least once <b>AND</b> the sponsor has submitted a revised timetable to come into compliance.	MED	3	
iii. Proposed activities to be carried out by sponsors have been carried out with no known problems, have been on schedule and address the beneficiaries, sub-populations, or needs of this program for the three most recent program years or since the grant execution if less than the three program years.	LOW	1	
Comments:			
<b>B. Multiple Programs</b>			
i. The sponsor carries out multiple programs, which involve one or more funding sources.	HIGH	5	
ii. The sponsor carries out one program, which involves one or more funding sources.	MED	3	
iii. The sponsor carries out only one program, which involves only one funding source.	LOW	1	
Comments:			

<b>Overall Risk Assessment - Total Score</b>		
<b>Factor</b>	<b>Maximum Score</b>	<b>Points Assigned</b>
I. Financial	25	0
II. Physical	20	0
III. Management	40	0
IV. Satisfaction	5	0
V. Services	10	0
<b>Total</b>	<b>100</b>	<b>0</b>

## 13. Appendix E – Carbon Monoxide Detection

### I. Definitions

**Carbon Monoxide (CO) Alarm:** A single or multiple station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

**Carbon Monoxide (CO) Detector:** A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

### II. Requirement of CO Alarms or Detectors in Dwelling Units Assisted under HOPWA

[Section 101 of Title I of Division Q of the Consolidated Appropriations Act, 2021, Pub. L. 116260, div. Q, title I, §101 \(2020\)](#) (“the Act”) amended the program legislation for various HUD programs, including the Section 8 and HOPWA programs, to require CO alarms or detectors in certain Federally assisted dwelling units as of December 27, 2022.

Section 101(e) of the Act amends section 856 of the AIDS Housing Opportunity Act (42 U.S.C. 12905) to add the following new responsibility for HOPWA grantees:

(i) Carbon monoxide alarms

Each dwelling unit assisted under [the HOPWA program] shall contain installed carbon monoxide alarms or detectors that meet or exceed —

(1) the standards described in chapters [9](#) and [11](#) of the 2018 publication of the International Fire Code, as published by the International Code Council; or

(2) any other standards as may be adopted by the Secretary, including any relevant updates to the International Fire Code, through a notice published in the Federal Register.

This amendment takes effect on December 27, 2022, and consistent with the Act’s specific inclusion of the tenant-based assistance in section 101(b), the new requirement encompasses even those units where housing assistance payments are made to or on behalf of eligible HOPWA households.

Until such time as HUD adopts other standards (which HUD must announce through the Federal Register), HUD advises grantees that the applicable standards are those provided by chapters 9 and 11 of the 2018 International Fire Code, which are available at:

- <https://codes.iccsafe.org/content/IFC2018/chapter-9-fire-protection-and-life-safety-systems>; and
- <https://codes.iccsafe.org/content/IFC2018/chapter-11-construction-requirements-forexisting-buildings>.

However, neither the new statutory requirement nor this notice preempts or limits the applicability of any State or local law that imposes more stringent standards relating to the installation and maintenance of carbon monoxide alarms or detectors in housing.

CO poisoning is an important safety issue for families in HUD-assisted housing. According to the National Center for Environmental Health, [“each year more than 400 Americans die from unintentional CO poisoning not linked to fires, more than 20,000 visit the emergency room, and more than 4,000 are hospitalized.”](#)

CO is an odorless, colorless, and toxic gas. It is impossible to see, and is a tasteless gas produced by incomplete combustion of fuel burned in vehicles, small engines, stoves, lanterns, grills, fireplaces, gas ranges, or furnaces. It can build-up indoors and poison people and animals who breathe the toxic fumes. The effects of CO exposure can vary from person to person depending on age, overall health, and the concentration and length of exposure. Exposure can cause harmful health conditions, permanent brain damage, life-threatening cardiac complications, fetal death or miscarriage, and death in a matter of minutes. Individuals who are asleep or intoxicated may die from CO poisoning before experiencing any symptoms.

### III. Determining if a unit or building requires CO detection

Grantee and Project Sponsors should follow the guidance outlined in the International Fire Code (IFC). The latest version is 2018. Brief guidance from [Chapter 9 – Fire Protection and Life Safety Systems](#) for a dwelling or sleeping unit is identified below. Please refer to the link for more detailed guidance and considerations.

1. *A unit contains a fuel-burning appliance or a fuel-burning fireplace*
2. *A unit served by fuel-burning, forced-air furnaces with one exception:*
  - a. *Carbon monoxide detection shall not be required in dwelling units and sleeping units where a carbon monoxide detector is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.*
3. *A unit is located in a building that contains a fuel-burning appliance or fuel-burning fireplace, even if outside of the unit, with the following exceptions:*
  - a. *Carbon monoxide detection shall not be required in dwelling units and sleeping units without communicating openings between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit and sleeping unit.*
  - b. *Carbon monoxide detection shall not be required in dwelling units and sleeping units where a carbon monoxide detector is provided in one of the following locations:*
    - i. *In an approved location between the fuel-burning appliance or fuel-burning fireplace and the dwelling unit and sleeping unit*
    - ii. *On the ceiling of the room containing the fuel-burning appliance or fuel-burning fireplace.*

4. *A unit is located in a building with an attached private garage, with the following exceptions:*
  - a. *Carbon monoxide detection shall not be required in dwelling units and sleeping units without communicating openings between the private garage and the dwelling unit and sleeping unit.*
  - b. *Carbon monoxide detection shall not be required in dwelling units, and sleeping units located more than one story above or below a private garage.*
  - c. *Carbon monoxide detection shall not be required where the private garage connects to the building through an open-ended corridor.*
  - d. *Where a carbon monoxide detector is provided in an approved location between openings to a private garage and dwelling and sleeping units.*

Existing Buildings should follow [Chapter 11 – Construction Requirements for Existing Buildings](#).