

DSHS HOPWA Program Guidance for CPD Mega-Waiver 12/30/21

Effective 01/05/2022

[Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(CPD Mega-Waiver 12-30-21\)](#)

WAIVERS FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) REQUIREMENTS

Unless otherwise noted, the following waivers are made available with respect to all HOPWA grants, whether funded under the CARES Act or annual HOPWA formula allocations.

19	HOPWA – Property Standards
Brief Synopsis	This waiver permits virtual unit inspections under certain circumstances. This waiver previously expired on 09/30/21 and Project Sponsors were required to physically reinspect units that were not previously physically inspected by 12/31/21. HUD has reintroduced this waiver and extended the waiver period established by previous mega-waiver memos. This waiver is in effect until 03/31/22. If a Project Sponsor performed a virtual unit inspection for an assisted household and the household remains enrolled in the HOPWA Program as of 06/30/22, then the Project Sponsor must physically reinspect their unit by 06/30/22.
Requirement	Property Standards for HOPWA
Citations	24 CFR 574.310(b)(2), Housing Quality Standards (HQS)
Explanation	Section 574.310(b)(2) of the HOPWA regulations provides minimum housing quality standards that apply to all housing for which HOPWA funds are used for 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 under 24 CFR 574.300(b)(3), (4), (5), or (8).
Justification	<p>On March 31, 2020 HUD waived the physical inspection requirement for tenant-based rental assistance at 24 CFR 574.310(b) for one year so long as grantees or project sponsors were able to visually inspect the unit using technology to ensure the unit met HQS before any assistance was provided and grantees or project sponsors had written policies in place to physically reinspect the unit after health officials determined special measures to prevent the spread of COVID-19 were no longer necessary.</p> <p>On May 22, 2020 HUD waived the physical inspection requirement for 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 for one year so long as grantees or project sponsors met the criteria outlined in the waiver. On March 31, 2021, HUD again waived this requirement for all applicable housing types until June 30, 2021. On June 30, 2021, HUD extended the waiver until September 30, 2021.</p> <p>Since the original waiver flexibility expired on September 30, 2021, grantees report that it is challenging to physically inspect units for HQS because of stay-at-home orders for many grantee workplaces, staffing shortages, and program clients feeling uncomfortable with other people entering their units out of fear of contracting COVID-19. As people experiencing homelessness are at higher risk of COVID-19 infection, and people living with HIV experience disproportionately poor health outcomes and higher hospitalization rates due to COVID-19, it continues to be important to move people living with HIV quickly into their own housing. Therefore, HUD is extending the waiver as described below.</p>
Applicability	This waiver is in effect until March 31, 2022 for grantees and project sponsors that can meet the following criteria:

	<ol style="list-style-type: none"> 1. The grantee or project sponsor can visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and 2. The grantee or project sponsor has written policies that require physical reinspection of the units not previously physically inspected by June 30, 2022.
DSHS Guidance	<p>Project Sponsors may not postpone initial Housing Quality Standards Certifications (HQS) for new assisted units. For initial HQS inspections of new assisted units between 01/05/22 and 03/31/22, Project Sponsors may utilize the following flexibilities:</p> <ul style="list-style-type: none"> • Before providing assistance, Project Sponsors may utilize video streaming technology to visually inspect the unit and ensure that it meets HQS (e.g., Facetime, Skype, time-stamped video files, time-stamped photos, etc.). • In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale. • The Project Sponsor must track which HQS certifications utilized this flexibility. • If a Project Sponsor performed a virtual unit inspection for an assisted household and the household remains enrolled in the HOPWA Program as of 06/30/22, then the Project Sponsor must physically reinspect their unit by 06/30/22. <p>Project Sponsors may postpone annual HQS reinspections of assisted units between 01/05/22 and 03/31/22. Project Sponsors may utilize the following flexibilities:</p> <ul style="list-style-type: none"> • The Project Sponsor should contact households to assess whether there are any issues with assisted units (Plumbing okay? Air conditioning working? Appliances work? Any deteriorated paint in pre-1978 housing? Etc.), document the call in the household’s case notes, and prioritize these units for physical reinspection. • In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale. • The Project Sponsor must track which HQS certifications utilized this flexibility. • If a Project Sponsor postponed an annual HQS reinspection for an assisted household and the household remains enrolled in the HOPWA Program as of 06/30/22, then the Project Sponsor must physically reinspect their unit by 06/30/22. <p>NOTE: This waiver only applies to HOPWA HQS. It does not waive Lead Safe Housing Rules or Fire Safety Requirements (these are separate from HQS).</p>

20	HOPWA – FMR Rent Standard
Brief Synopsis	HUD has waived rent standard requirements for all rental assistance activities. HUD has extended the waiver period established by previous mega-waiver memos. This waiver is in effect until 03/31/22.
Requirement	Rent Standard for HOPWA Rental Assistance
Citations	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.
Justification	HUD originally waived the FMR rent standard requirement for tenant-based rental assistance for one year on March 31, 2020. On May 22, 2020, HUD waived this requirement for one year for all rental assistance types. On March 31, 2021, HUD again waived this requirement for all rental assistance types until June 30, 2021. On June 30, 2021, HUD again waived this requirement until December 31, 2021. As people experiencing homelessness are at higher risk of COVID-19 infection, and people living with HIV experience disproportionately poor health outcomes and higher hospitalization rates due to COVID-19, it continues to be important ensure people living with HIV can obtain and maintain housing. Extending this waiver of the FMR rent standard limit, while still requiring that the unit be rent reasonable in accordance with §574.320(a)(3), will assist grantees

	and project sponsors in ensuring low-income people living with HIV can obtain and maintain safe, stable housing in tight rental markets.
Applicability	The FMR requirement continues to be waived until March 31, 2022. Grantees and project sponsors must still ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).
DSHS Guidance	<p>This waiver applies to Form H: Rent Standard and Rent Reasonableness Certifications performed between 01/05/22 and 03/31/22. The grantee and/or Project Sponsor do not have to establish a specific rent standard value.</p> <ul style="list-style-type: none"> • The rent standard could be any value so long as the gross rent of the proposed unit meets rent reasonableness requirements. • The rent standard does not have to be based on FMR. • The rent standard could be decided on a case-by-case basis. • The rent standard could even be whatever the gross rent of the unit actually is. <p>However, Project Sponsors must still ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).</p> <p>In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.</p>

21	HOPWA – Space and Security
Brief Synopsis	Project Sponsors may use STSH to provide quarantine/separate space. With this memo, HUD has established an end-date for this waiver. The last day to apply this waiver is 03/31/22.
Requirement	Adequate Space and Security
Citations	24 CFR 574.310(b)(2)(iii), Space and Security
Explanation	This section of the HOPWA regulations provides that each resident must be afforded adequate space and security for themselves and their belongings.
Justification	When HUD originally waived this requirement on March 31, 2020, an end date was not established. Grantees and project sponsors operating housing facilities and shared housing arrangements still report need for 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. Therefore, HUD is continuing to offer this waiver flexibility, but is establishing an end date of March 31, 2022.
Applicability	This space and security requirement is waived until March 31, 2022, for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local health care professionals.
DSHS Guidance	<p>Note the intent of this waiver: This waiver enables Project Sponsors to secure and utilize space that would otherwise not meet HQS space and security requirements in order to quarantine/separate household members affected by COVID-19. The last day to apply this waiver is 03/31/22.</p> <p>Project Sponsors may use STSH to provide temporary shelters to households, including hotel/motel stays. STSH may now provide quarantine/separate space for household members that are or are not PLWH. Project Sponsors may provide separate spaces for a single household with household members located under two different “roofs.” To receive STSH services for quarantine/separation, the household/household members do not need to be homeless and do not have to complete Form B. Effectively, households may receive STSH services and TBRA, STRMU, and/or other FBHA services at the same time. In the household’s case notes, the Project Sponsor should document that they are utilizing this space and security flexibility, providing STSH services for purposes of quarantine/separation, and provide a brief rationale. Project Sponsors may choose to enact service restrictions that require evidence or other good cause necessitating quarantine.</p>