

DSHS HOPWA Program Guidance for CPD Mega-Waiver Five

Effective 04/10/2021

[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 \(CPD Mega-Waiver Five\)](#)

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.

12	HOPWA – Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments
Brief Synopsis	<p>STRMU assistance cap is raised from 147 days to 365 days in a 52-week period for regular HOPWA funds.</p> <p>FBHA STSH assistance cap is raised from 60 nights to 120 nights in a six-month period for regular HOPWA funds.</p> <p>HUD has extended the waiver period established by the second mega-waiver memo. This waiver ends on 06/30/21.</p>
Requirement	Time Limits for Short-Term Supported Housing
Citations	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	HUD originally waived this requirement on May 22, 2020 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 could not be achieved within the time limits specified in the regulation. Extending this waiver is necessary because grantees and project sponsors continue to report that households require longer periods of assistance due to financial and health-related hardships stemming from the COVID-19 pandemic.
Applicability	<p>This waiver is made available for all HOPWA grants except those funded under the CARES Act or for the portion of a grantee's FY 2020 formula funds that have been approved under its Annual Action Plan (AAP) for allowable activities to prevent, prepare for, and respond to the COVID-19 pandemic as described in section V. of Notice CPD-20-05.</p> <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 until June 30, 2021 for grantees and project sponsors that can meet the following criteria:</p> <ol style="list-style-type: none">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

	<p>b. 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.</p>
DSHS Guidance	<p>On a case-by-case basis, Project Sponsors may provide an assistance cap extension for up to 365 days of STRMU assistance on Form K1 and for up to 120 nights of STSH assistance on Form K2. In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale. Project Sponsors must document their efforts 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. Prior to utilizing this waiver flexibility, Project Sponsors must develop a written protocol for reassessing the needs of assisted households and granting case-by-case extensions based on documented financial needs and/or health and safety concerns. This waiver period started on 06/01/20 and will end on 06/30/21.</p>

13	HOPWA – Property Standards
Brief Synopsis	<p>The Housing Quality Standards waiver from the first mega-waiver memo (which was limited to TBRA) now covers all HOPWA housing assistance activity categories. This waiver permits virtual unit inspections under certain circumstances.</p> <p>HUD has extended the waiver period established by the second mega-waiver memo. This waiver ends on 06/30/21.</p>
Requirement	Property Standards for HOPWA
Citations	24 CFR 574.310(b), Housing Quality Standards (HQS)
Explanation	<p>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.</p>
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.</p> <p>Grantees and project sponsors continue to report difficulty in conducting the initial inspection of units due to social distancing guidelines; therefore, HUD is waiving the inspection requirement at 24 CFR 574.310(b), as further specified below to allow grantees and project sponsors to quickly move households into housing, which enables social distancing, and helps prevent the spread of COVID-19. Additionally, grantees and project sponsors will need time when social distancing guidelines are no longer in effect to prepare staff to physically re-inspect units for HQS; therefore, HUD is extending the waiver beyond the date the state or local public health official has determined special measures are no longer necessary to prevent the spread of COVID-19 as described below.</p>
Applicability	<p>This waiver is in effect until June 30, 2021 for grantees and project sponsors that can meet the following criteria:</p> <ol style="list-style-type: none"> a. The grantee or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and

	b. The grantee or project sponsor has written policies to physically reinspect the unit within 3 months after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.
DSHS Guidance	The Housing Quality Standards waiver from the first mega-waiver memo (which was limited to TBRA) now covers all HOPWA housing assistance activity categories. For additional information, please refer to the DSHS HOPWA Program guidance document for the first mega-waiver memo (16. “Property Standards for TBRA”). This waiver period started on 06/01/20 and will end on 06/30/21.

14	HOPWA – FMR Rent Standard
Brief Synopsis	The rent standard waiver from the first mega-waiver memo (which was limited to TBRA) now covers all HOPWA rental assistance activities (TBRA, PBRA, and Master-Leasing). HUD has extended the waiver period established by the second mega-waiver memo . This waiver ends on 06/30/21.
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. Generally, the rental assistance payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.
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. Grantees and project sponsors continue to report COVID-19 related health and financial hardships for HOPWA-eligible households. 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 expediting efforts to identify suitable housing units for rent to eligible households experiencing the ongoing health and financial impacts of the COVID-19 pandemic and economic crisis.
Applicability	The FMR requirement continues to be waived until June 30, 2021. Grantees and project sponsors must still ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3).
DSHS Guidance	The rent standard waiver from the first mega-waiver memo (which was limited to TBRA) now covers all HOPWA rental assistance activities (TBRA, PBRA, and Master-Leasing). For additional information, please refer to the DSHS HOPWA Program guidance document for the first mega-waiver memo (15. “FMR Rent Standard”). This waiver period started on 06/01/20 and will end on 06/30/21.