

DSHS HOPWA Program Guidance for CPD Mega -Waiver One

Effective 04/06/2020

[Availability of Waivers of Community Planning and Development \(CPD\) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 \(CPD Mega-Waiver One\)](#)

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

14	Self-Certification of Income and Credible Information on HIV Status
Requirement	Source Documentation for Income and HIV Status Determinations.
Citations	24 CFR 574.530, Recordkeeping
Explanation	Each grantee must maintain records to document compliance with HOPWA requirements, which includes determining the eligibility of a family to receive HOPWA assistance.
Justification	This waiver will permit HOPWA grantees and project sponsors to rely upon a family member's self-certification of income and credible information on their HIV status (such as knowledge of their HIV-related medical care) in lieu of source documentation to determine eligibility for HOPWA assistance of families and grantees affected by COVID-19.
Applicability	Eligibility is restricted to a low-income person who is living with HIV/AIDS and the family of such person. This waiver is in effect for recipients who require written certification of the household seeking assistance of their HIV status and income, and agree to obtain source documentation of HIV status and income eligibility within 3 months of public health officials determining no additional special measures are necessary to prevent the spread of COVID-19.
DSHS Guidance	<p>Note the intent of this waiver: This waiver is targeted at households that have been affected by COVID-19. It does not change eligibility requirements, but relaxes eligibility documentation requirements.</p> <p>Project Sponsors may not postpone eligibility certifications or recertifications. When possible, please attempt to complete all paperwork and documentation via mail, fax, or other secure electronic means. Third-party eligibility and supporting documents are still preferred. Project Sponsors may use electronic signature software to obtain household member signatures. The software must meet the Project Sponsor's confidentiality and data security policies and/or procedures. If a Project Sponsor needs to procure such software, the cost may be allocated to specific activity categories as a direct service delivery cost or allocated to Project Sponsor administration. Note, Project Sponsors performing telehealth activities may already have such software and could expand its use to the HOPWA program.</p> <p>On a case-by-case basis and depending on the presenting circumstances, Project Sponsors may complete DSHS HOPWA Program forms that would otherwise require a household member's signature on behalf of the household (Forms A, B, D, G, N, and O, but not Form F). In lieu of a household member's signature, Project Sponsors may make a note on the program form that obtaining a signature from the applicable household member was not possible. In the household's case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale</p> <p>For eligibility certifications and recertifications between 04/01/20 and the date of return to normal operations (i.e., the state of emergency is lifted), Project Sponsors may utilize the following eligibility documentation flexibilities:</p> <p>Proof of HIV seropositivity for at least one household member</p>

For initial eligibility certifications (new enrollments), Project Sponsors may utilize credible information that a person is living with HIV in lieu of source documentation (such as knowledge of a household member’s HIV-related medical care or an ARIES record indicating that a household member is living with HIV). If a Project Sponsor chooses to use this flexibility:

- 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 eligibility certifications utilized this flexibility.
- Within three months of the date of return to normal operations, the Project Sponsor must obtain acceptable proof of HIV seropositivity as specified in the DSHS HOPWA Program Manual.

Proof of gross income for all household members 18 years of age and older

For initial eligibility certifications and interim and annual eligibility recertifications, Project Sponsors may utilize both written and verbal self-declarations of income in lieu of source documentation. If a Project Sponsor chooses to use this flexibility:

- 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 eligibility certifications and recertifications utilized this flexibility.
- If a Project Sponsor’s confidentiality and information security protocols permit, the household may complete and submit Form A via mail, fax, or other secure electronic means (photocopies, PDFs, photos, etc.).
- As a last resort, a Project Sponsor may verbally confirm the household’s income and complete Form A on behalf of the household.
- Within three months of the date of return to normal operations, Project Sponsors must obtain acceptable proof of income as specified in the DSHS HOPWA Program Manual.

15	FMR Rent Standard
Requirement	Rent Standard for Tenant-Based Rental Assistance (TBRA).
Citations	24 CFR 574.320(a)(2), Rent Standard
Explanation	Grantees must establish rent standards for their tenant-based rental assistance programs based on FMR (Fair Market Rent) or the HUD- approved community-wide exception rent for unit size. Generally, the TBRA payment may not exceed the difference between the rent standard and 30 percent of the family's adjusted income.
Justification	This waiver of the FMR rent standard limit permits HOPWA grantees to establish rent standards, by unit size, that are reasonable, and based upon rents being charged for comparable unassisted units in the area, taking into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. Grantees, however, are required to ensure the reasonableness of rent charged for a unit in accordance with §574.320(a)(3). This waiver is required to expedite efforts to identify suitable housing units for rent to HOPWA beneficiaries and HOPWA-eligible families that have been affected by COVID-19, and to provide assistance to families that must rent units at rates that exceed the HOPWA grantee's normal rent standard as calculated in accordance with §574.320(a)(2).
Applicability	Such rent standards may be used for up to one year beginning on the date of this memorandum.
DSHS Guidance	<p>Note the intent of this waiver: This waiver enables Project Sponsors to expeditiously meet the critical housing needs of households affected by COVID-19.</p> <p>This waiver applies to Form H: Rent Standard and Rent Reasonableness Certifications performed between 04/01/20 and 03/31/21. The grantee and/or Project Sponsor does not have to establish a specific rent standard value.</p>

- 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 case-by-case.
- The rent standard could even be whatever the gross rent of the unit actually is.

That said, the resultant problems are: 1) There's no upper limit; 2) The higher the rent standard, the greater the impact to your budget; 3) Once the waiver period ends, normal rent standard rules resume and the unit would no longer qualify for rental assistance. We recommend an upper limit. For example, a Project Sponsor could enact an emergency policy that raises the rent standard to 140% of the default FMR or local exception rent standard for the duration of the waiver period. Further, the Project Sponsor could restrict such rent standards to households that have been affected by COVID-19. Project Sponsors should consider their current program funds. In the household's case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.

16	Property Standards for TBRA
Requirement	Property Standards for Tenant-Based Rental Assistance (TBRA).
Citations	24 CFR 574.310(b), Housing Quality Standards
Explanation	This section of the HOPWA regulations provides that units occupied by recipients of HOPWA TBRA meet the Housing Quality Standards (HQS) established in this section.
Justification	This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.
Applicability	This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the following criteria: <ul style="list-style-type: none"> a. The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and b. The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.
DSHS Guidance	Note the intent of this waiver: This waiver enables Project Sponsors to expeditiously meet the critical housing needs of households affected by COVID-19. <p>Project Sponsors may not postpone initial Housing Quality Standards Certifications (HQS) for new TBRA-assisted units. For initial HQS inspections of new TBRA-assisted units between 04/01/20 and 03/31/21, 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., 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. • Within three months of the date of return to normal operations, the Project Sponsor must physically re-inspect the unit. <p>Project Sponsors may postpone annual HQS re-inspections of TBRA-assisted units between 04/01/20 and 03/31/21. 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 re-inspection.

- 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.
- Within three months of the date of return to normal operations, the Project Sponsor must physically re-inspect the unit.

Under normal protocols, STRMU, STSH, and PHP units do not require inspections, but households must certify their housing meets all standards and requirements. If a Project Sponsor’s confidentiality and information security protocols permit, the household may complete and submit the self-certification portion of Form G via mail, fax, or other secure electronic means (photocopies, PDFs, photos, etc.). As a last resort, for initial HQS certifications for new non-TBRA-assisted units between 04/01/20 and 03/31/21, a Project Sponsor may verbally confirm the unit meets all standards and complete the self-certification portion of Form G on behalf of the household. In lieu of a household member’s signature, Project Sponsors may make a note on the program form that obtaining a signature from the applicable household member was not possible. In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.

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).

17	Space and Security
Requirement	Adequate Space and Security
Citations	24 CFR 574.310(b)(2)(iii), Space and security
Explanation	This section of the HOPWA regulations provide that each resident must be afforded adequate space and security for themselves and their belongings.
Justification	This waiver is required to enable grantees and project sponsors operating housing facilities and shared housing arrangements the flexibility to use optional appropriate spaces for quarantine services of eligible households affected by COVID-19. Optional spaces may include the placement of families in a hotel/motel room where family members may be required to utilize the same space not allowing for adequate space and security for themselves and their belongings.
Applicability	This space and security requirement is waived for grantees addressing appropriate quarantine space for affected eligible households during the allotted quarantined time frame recommended by local 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.</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>