

# DSHS HOPWA Program Guidance for CPD Mega-Waiver Six

Effective 07/05/2021

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

## 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.

<b>13</b>	<b>HOPWA – Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments</b>
Brief Synopsis	STRMU assistance cap is raised from 147 days to 365 days in a 52-week period for regular HOPWA funds. FBHA STSH assistance cap is raised from 60 nights to 120 nights in a six-month period for regular HOPWA funds. HUD has extended the waiver period established by previous mega-waiver memos. This waiver is in effect until 12/31/21.
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. HUD again waived this requirement on March 31, 2021 until June 30, 2021. 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. Extending this waiver until December 31, 2021 will help prevent households from becoming homeless due to the economic impacts of COVID-19.
Applicability	<p>This waiver is made available for all HOPWA grants except those covered by Notice CPD-20-05, which provides special flexibility as authorized by the CARES Act for grants funded under the CARES Act and 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 December 31, 2021 for grantees and Project Sponsors that can meet the following criteria:</p> <ol style="list-style-type: none"><li>The grantee or Project Sponsor documents that a good faith effort has been made on an individual household basis to assist the household to achieve permanent housing within the time limits specified in the regulations but that financial needs and/or health and safety concerns have prevented the household from doing so; and</li></ol>

	<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 is in effect until 12/31/21.</p>

<b>14</b>	<b>HOPWA – Property Standards</b>
Brief Synopsis	<p>This waiver permits virtual unit inspections under certain circumstances. HUD has extended the waiver period established by previous mega-waiver memos. This waiver is in effect until 09/30/21. If a Project Sponsor performed a virtual unit inspection for an assisted household and the household remains enrolled in the HOPWA Program as of 12/31/21, then the Project Sponsor must physically reinspect their unit by 12/31/21.</p>
Requirement	Property Standards for HOPWA
Citations	24 CFR 574.310(b)(2), Housing Quality Standards (HQS)
Explanation	<p>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).</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. On March 31, 2021, HUD again waived this requirement for all applicable housing types until June 30, 2021.</p> <p>While many social distancing measures that were making it difficult to conduct unit inspections are being lifted, it continues to be important to move people quickly into their own housing to enable social distancing and prevent the spread of COVID-19. Additionally, grantees and Project Sponsors need time to prepare staff to physically inspect units for HQS. Therefore, HUD is extending the waiver as described below.</p>
Applicability	<p>This waiver is in effect until September 30, 2021 for grantees and Project Sponsors that can meet the following criteria:</p> <ol style="list-style-type: none"> <li>a. 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</li> </ol>

	<p>b. The grantee or Project Sponsor has written policies to physically reinspect the units not previously physically inspected by December 31, 2021.</p>
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 07/05/21 and 09/30/21, Project Sponsors may utilize the following flexibilities:</p> <ul style="list-style-type: none"> <li>• 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.).</li> <li>• In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.</li> <li>• The Project Sponsor must track which HQS certifications utilized this flexibility.</li> <li>• If a Project Sponsor performed a virtual unit inspection for an assisted household and the household remains enrolled in the HOPWA Program as of 12/31/21, then the Project Sponsor must physically reinspect their unit by 12/31/21.</li> </ul> <p>Project Sponsors may postpone annual HQS re-inspections of assisted units between 07/05/21 and 09/30/21. Project Sponsors may utilize the following flexibilities:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.</li> <li>• The Project Sponsor must track which HQS certifications utilized this flexibility.</li> <li>• If a Project Sponsor postponed an annual HQS re-inspection for an assisted household and the household remains enrolled in the HOPWA Program as of 12/31/21, then the Project Sponsor must physically reinspect their unit by 12/31/21.</li> </ul> <p>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 assisted units between 07/05/21 and 09/30/21, 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.</p> <p><b>NOTE:</b> 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>

<b>15</b>	<b>HOPWA – FMR Rent Standard</b>
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 12/31/21.
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.

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. 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 locating additional units to house low-income people living with HIV in tight rental markets and reduce the spread and harm of COVID-19.
Applicability	The FMR requirement continues to be waived until December 31, 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	<p>This waiver applies to Form H: Rent Standard and Rent Reasonableness Certifications performed between 07/05/21 and 12/31/21. The grantee and/or Project Sponsor do not have to establish a specific rent standard value.</p> <ul style="list-style-type: none"> <li>• The rent standard could be any value so long as the gross rent of the proposed unit meets rent reasonableness requirements.</li> <li>• The rent standard does not have to be based on FMR.</li> <li>• The rent standard could be decided on a case-by-case basis.</li> <li>• The rent standard could even be whatever the gross rent of the unit actually is.</li> </ul> <p>In the household’s case notes, the Project Sponsor should document that they are utilizing this flexibility and provide a brief rationale.</p>

<b>16</b>	<b>HOPWA – Self-Certification of Income and Credible Information on HIV Status</b>
Brief Synopsis	HUD has relaxed HIV and income eligibility documentation requirements. HUD has extended the waiver period established by previous mega-waiver memos. This waiver is in effect until 09/30/21. If a Project Sponsor used this waiver for an assisted household and the household remains enrolled in the HOPWA Program as of 09/30/21, then the Project Sponsor must obtain acceptable proof of HIV seropositivity and/or income as specified in the DSHS HOPWA Program Manual by 09/30/21.
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	<p>HUD originally waived the requirement for source documentation of income and HIV status on March 31, 2020 for grantees that 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. The waiver permits 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.</p> <p>While public health measures are lifting in many areas of the country, grantees are reporting that obtaining documentation still takes longer than usual because of reduced staffing and hours of agencies and providers that can provide the documentation during COVID-19. Additionally, grantees need time to prepare staff and to re-adjust policies and procedures to obtain source income of HIV status and income. Therefore, HUD is continuing this waiver flexibility and is establishing an end date of September 30, 2021.</p>
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 grantees 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 by September 30, 2021.

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**Proof of HIV seropositivity for at least one household member**

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.
- If a Project Sponsor used this waiver for an assisted household and the household remains enrolled in the HOPWA Program as of 09/30/21, then the Project Sponsor must obtain acceptable proof of HIV seropositivity as specified in the DSHS HOPWA Program Manual by 09/30/21.

**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.
- If a Project Sponsor used this waiver for an assisted household and the household remains enrolled in the HOPWA Program as of 09/30/21, then the Project Sponsor must obtain acceptable proof of income as specified in the DSHS HOPWA Program Manual by 09/30/21.