

# DSHS HOPWA Program Guidance for CPD Mega -Waiver Two

Effective 06/01/2020

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

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

| 6              | HOPWA – Time Limits for Short-Term Housing Facilities and Short-Term Rent, Mortgage, and Utility Payments  |
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| Brief Synopsis | STRMU assistance cap is raised from 147 days to 365 days in a 52-week period for regular HOPWA funds.<br>FBHA STSH assistance cap is raised from 60 nights to 120 nights in a six-month period for regular HOPWA funds.<br>Waiver period ends on 05/21/21.   |
| 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  | This waiver is required 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 cannot be achieved within the time limits specified in the regulation.  |
| Applicability  | <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 for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria:</p> <ol style="list-style-type: none"><li>a. 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><li>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.</li></ol> |
| DSHS Guidance  | 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 starts on 06/01/20 and ends on 05/21/21.   |

| 7              | <b>HOPWA – Property Standards</b>  |
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| Brief Synopsis | The previous Housing Quality Standards waiver from the <a href="#">first mega-waiver memo</a> (which was limited to TBRA) now covers all HOPWA housing assistance activity categories. This waiver permits virtual unit inspections under certain circumstances.<br>Waiver period ends on 05/21/21.  |
| Requirement    | Property Standards for HOPWA   |
| Citations      | 24 CFR 574.310(b), Housing Quality Standards   |
| Explanation    | 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.   |
| 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 coronavirus.  |
| Applicability  | This waiver is in effect for one year beginning on the date of this memorandum for grantees and project sponsors that are able to meet the following criteria: <ul style="list-style-type: none"> <li>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</li> <li>b. The grantee or project sponsor has written policies to physically reinspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.</li> </ul> |
| DSHS Guidance  | The previous Housing Quality Standards waiver from the <a href="#">first mega-waiver memo</a> (which was limited to TBRA) now covers all HOPWA housing assistance activity categories. For additional DSHS guidance, please refer to the previous email from DSHS (attached) announcing the availability of waivers from the first mega-waiver memo. This waiver period starts on 06/01/20 and ends on 05/21/21.   |

| 8              | <b>HOPWA – FMR Rent Standard</b>  |
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| Brief Synopsis | The previous rent standard waiver from the <a href="#">first mega-waiver memo</a> (which was limited to TBRA) now covers all HOPWA rental assistance activities (TBRA, PBRA, and Master-Leasing).<br>Waiver period ends on 05/21/21.  |
| 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  | <p>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).</p> <p>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).</p> |
| Applicability  | Such rent standards may be used for up to one year beginning on the date of this memorandum.  |

DSHS Guidance

The previous 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 DSHS guidance, please refer to the previous email from DSHS (attached) announcing the availability of waivers from the first mega-waiver memo. This waiver period starts on 06/01/20 and ends on 05/21/21.