



# City of Tucson

## Housing Opportunities for Persons with AIDS (HOPWA) Program Policies and Procedures

**March 2023**

City of Tucson

Housing and Community Development Department

310 N. Commerce Park Loop, Tucson, AZ 85745

[www.tucsonaz.gov/hcd](http://www.tucsonaz.gov/hcd)



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## Purpose and Use of the Manual

This manual contains a basic overview of the City of Tucson (COT) Housing Opportunities for Persons with AIDS (HOPWA) Program and its eligible activities and requirements. It is not intended to replace existing guidance produced by the U.S. Department of Housing and Urban Development (HUD). Additional program information can be found on the [HUD Exchange HOPWA Page](#).

## Program Rules

The HOPWA rules in 24 Code of Federal Regulations (CFR) §574 provide general standards for eligible activities such as determining program eligibility, housing quality standards, and standards regarding household rent payments. Project sponsors must also comply with other state and federal policies, including, but not limited to:

- **Federal Fire Prevention and Control Act, Section 31**
- **2 CFR §200** – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- **2 CFR §2429** – Requirements for Drug-Free Workplace (Financial Assistance)
- **24 CFR §1** – Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development
- **24 CFR §3** – Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- **24 CFR §5** – General HUD Program Requirements; Waivers
  - **Subpart A** – Generally Applicable Definitions and Requirements; Waivers
  - **Subpart C** – Pet Ownership for the Elderly or Persons with Disabilities
  - 
  - **Subpart F** – Section 8 and Public Housing, and Other HUD Assisted Housing Serving Persons with Disabilities: Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance
    - **§5.609** Annual income.
    - **§5.611** Adjusted income.
    - **§5.617** Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

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- **Subpart L** – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- **24 CFR §6** – Nondiscrimination in Programs and Activities Receiving Assistance Under Title I of The Housing and Community Development Act of 1974
- **24 CFR §8** – Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development
- **24 CFR §35** – Lead-Based Paint Poisoning Prevention in Certain Residential Structures
- **24 CFR §50** – Protection and Enhancement of Environmental Quality
- **24 CFR §55** – Floodplain Management and Protection of Wetlands
- **24 CFR §58** – Environmental Review Procedures
- **24 CFR §87** – Lobbying
- **24 CFR §91** – Consolidated Submissions for Community Planning and Development Programs
- **24 CFR §100** – Discriminatory Conduct Under the Fair Housing Act
- **24 CFR §107** – Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063
- **24 CFR §135** – Economic Opportunities for Low- and Very Low-Income Persons
- **24 CFR §146** – Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance
- **24 CFR §574** – Housing Opportunities for Persons with AIDS

## Program Definitions

- *Acquired Immunodeficiency Syndrome (AIDS)*. A medical diagnosis requiring a positive HIV test and a CD4+ cell count below 200 cells per microliter OR CD4+ cells account for fewer than 14 percent of all lymphocytes OR a diagnosis of one or more of the AIDS-defining illnesses.
- *Administrative Costs*. Costs for general management, oversight, coordination, evaluation, and reporting. By statute, COT administrative costs are limited to 3 percent of the total grant award, to be expended over the life of the grant. Project sponsor administrative costs are limited to 7 percent of the portion of the grant amount they receive.
- *Beneficiary(ies)*. All members of a household who received HOPWA assistance during the operating year including the one eligible individual who qualified the household for HOPWA

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assistance as well as any other members of the household (living with or without HIV) who benefitted from the assistance.

- *Chronically Homeless Person.* Per 24 CFR §578.3, a chronically homeless person is (1) An individual who: (i) Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and (ii) Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years; and (iii) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 USC 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability; (2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or (3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.
- *Disabling Condition.* Evidencing a diagnosable substance use disorder, serious mental illness, developmental disability, chronic physical illness, or disability, including the co-occurrence of two or more of these conditions. In addition, a disabling condition may limit an individual's ability to work or perform one or more activities of daily living. In HUD-funded programs, an HIV diagnosis is considered a disabling condition.
- *Eligible Individual.* The one low-income person living with HIV who qualifies a household for HOPWA assistance. This person may be considered "Head of Household." When the PPR or CAPER asks for information on eligible individuals, report only this individual person. Where there is more than one eligible individual the household, the additional eligible individual is considered a beneficiary(s).
- *Facility-Based Housing Assistance (FBHA).* All eligible HOPWA housing assistance expenditures for or associated with supportive housing facilities including community residences, single-room occupancy (SRO) dwellings, short-term facilities, project-based rental assistance units, master leased units, and other housing facilities approved by HUD.
- *Facility-Based Rental Assistance (FBRA) Services.* A rental assistance service similar to public housing that helps low-income households access affordable housing. Unlike tenant-based rental assistance, the rental assistance subsidy is attached to a specific building or unit. If the project sponsor owns the facility, the rental assistance is classified as project-based

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rental assistance (PBRA). If the project sponsor leases the facility, the rental assistance is classified as master leasing.

- *Family.* Per 24 CFR §574.3, the program defines family as it is defined in 24 CFR §5.403. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
  - A group of persons residing together, and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - An elderly family;
  - A near-elderly family;
  - A disabled family;
  - A displaced family; and
  - The remaining member of a tenant family.
  - Family includes one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or welfare, and the surviving member or members of any family described in this definition who were living in a unit assisted under the program with the eligible individual at the time of their death. The language of these regulations, as amended by the "Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule," ensures that HUD's core programs are open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. This means that any group of people that present together for assistance and identify themselves as a family – regardless of relationship, age, disability, or other factors – are considered to be a family and must be served together as such. Further, project sponsors cannot discriminate against a group of people presenting as a family based on the composition of the family, the age or disability of any family members, or the actual or perceived sexual orientation, gender identity, or marital status of any family members. The definition of "family" is flexible and, as such, HUD has broadly implemented the term "household" in place of "family."



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- *Gross Rent.* The sum of combined rent and utilities costs. For rental assistance services, the gross rent of the proposed unit, including appropriate utility allowances) must be at or below the lower of the rent standard or the reasonable rent.
- *Household.* A single person or a group of persons residing together. Any group of people that present together for assistance and identify themselves as a household – regardless of relationship, age, disability, or other factors – are considered to be a household and must be served together as such. The term is used for collecting data on changes in eligibility, changes in access to services, and outcomes on achieving housing stability. Live-In Aides and non-beneficiaries (e.g., a shared housing arrangement with a roommate) who reside in the unit are not included in the household.
- *Housing Information Services (HIS).* Counseling, information, and referral services dedicated to assisting eligible households locate, acquire, finance, and maintain housing.
- *Housing Stability.* The degree to which the HOPWA assisted beneficiaries remain in stable housing during the operating year.
- *Human Immunodeficiency Virus (HIV).* A virus that infects the body and destroys portions of the immune system and is documented by a positive serologic test.
- *In-Kind Leveraged Resources.* Additional support provided to assist HOPWA beneficiaries such as volunteer services, materials, use of equipment and building space. The actual value of the support can be the contribution of professional services, based on customary rates for this specialized support, or actual costs contributed from other leveraged resources. In determining a rate for the contribution of volunteer time and services, use the rate established in HUD notices, such as the rate of ten dollars per hour. The value of any donated material, equipment, building, or lease must be the fair market value at time of donation. Related documentation can be from recent bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated.
- *Integrated Disbursement and Information Systems (IDIS)* is the online system for HUD Community Planning and Development programs. The system tracks program funding and records the result of funded activities.
- *Leveraged Funds.* The amount of funds expended during the operating year from non-HOPWA federal, state, local, and private sources by project sponsors in dedicating assistance to eligible households. Leveraged funds or other assistance are used directly in or in support of HOPWA program delivery.
- *Live-In Aide.* A person who resides with the HOPWA Eligible Individual and who meets the following criteria: (1) is essential to the care and welfare of the person; (2) is not obligated

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for the support of the person; and (3) would not be living in the unit except to provide the necessary supportive services. Live-In Aides are not considered household members.

- *Master Leasing.* Applies to project sponsors that lease units (single or scattered site) from an owner and sublease the units to beneficiaries. Project sponsors facilitate housing by assuming the tenancy burden for households that may not be able to obtain a lease on their own due to poor credit, evictions, or lack of income. Assistance is not portable or transferable.
- *Operating Costs.* Applies to facility-based housing that is owned by the project sponsor and currently open. Operating costs include day-to-day housing function and operation costs like maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and salary for staff costs directly related to the facility, but not staff costs for delivering services.
- *Outcome.* The degree to which the HOPWA assisted household has established or maintained a stable living environment in housing that is safe, decent, and sanitary to reduce the risks of homelessness, and improve access to HIV treatment and other health care and support.
- *Output.* The number of households that receive HOPWA assistance during the operating year.
- *Permanent Housing Placement (PHP) Services.* A supportive housing assistance service used to help households establish permanent residence in which continued occupancy is expected. Eligible costs include application fees, related credit checks, utility hookup fees and deposits, and reasonable security deposits necessary to move persons into permanent housing.
- *Program Income.* Gross income directly generated from the use of HOPWA funds, including repayments.
- *Project-Based Rental Assistance (PBRA) Services.* A facility-based rental assistance service that is tied to units (site or scattered site) owned or controlled by a project sponsor. Assistance is not portable or transferable.
- *Project sponsor.* Any nonprofit organization or governmental housing agency that receives funds under a contract with the COT to provide eligible HOPWA housing and other support services or administrative services. Project sponsors are required to provide performance data on households served and funds expended. The COT is not required to procure project sponsors following 2 CFR 200.
- *Rental Assistance.* A housing assistance service that subsidizes the rent of a household, including assistance for shared housing arrangements. The subsidy amount is determined in

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part based on household income and rental costs associated with the household's lease. HOPWA rental assistance can be tenant- or facility-based. All rental assistance services are subject to the following components:

- Housing Quality Standards Certification;
  - Rent Standard and Rent Reasonableness Certification; and
  - Rental Assistance Calculation.
  - Depending on local needs, rental assistance may be designed as transitional or permanent and include time limits. If a project sponsor establishes a time limit for rental assistance, they must collaborate with the COT to develop a local program policy that clearly defines the length of time households may receive rental assistance and include a protocol for notifying households about local time limits.
- *Resource Identification (RI)*. Activities that establish, coordinate, and develop housing assistance resources for eligible households (including preliminary research and expenditures necessary to determine the feasibility of specific housing-related initiatives).
- *Roommate*. A roommate relationship (i.e., a shared housing arrangement) is established for the purposes of sharing rent and utility bills in return for receiving a share of the space available. Roommates are not considered household members as they are households unto themselves. The household must identify whether an individual is a household member or a roommate at the time of application and at any subsequent renewals.
- *Short-Term Rent, Mortgage, and Utility (STRMU) Services*. Time-limited housing assistance designed to prevent homelessness and increase housing stability. Project sponsors may provide assistance for up to 21 weeks in any 52-week period. The amount of assistance varies per household depending on funds available, need, and program guidelines.
- *Short-Term Supportive Housing (STSH) Services*. A type of facility-based housing assistance that provides temporary shelter to eligible households that are homeless. Services allow for an opportunity to develop an individualized housing plan to guide the household's linkage to permanent housing. Project sponsors may provide assistance for up to 60 days in any six-month period. The amount of assistance varies per household depending on funds available, need, and program guidelines.
- *Subrecipient*. For IDIS purposes, a subrecipient is an organization contracted at the activity level to administer all or part of the COT HOPWA program.
- *Supportive Services*. Supportive Services include, but are not limited to, health, mental health, assessment, substance use treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local, State, and Federal government benefits and services, except that health services may only

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be provided to eligible individuals. Supportive Services may be provided in conjunction with HOPWA housing assistance or as a standalone service (Supportive Services Only).

- *Tenant-Based Rental Assistance (TBRA) Services.* A rental assistance service similar to the Housing Choice Voucher Program (HCVP) that helps low-income households access affordable housing. Unlike facility-based rental assistance, services are not tied to a specific unit, so households may move to a different unit without losing their assistance, subject to individual program rules.
- *Transgender.* Transgender is defined as a person who identifies with, or presents as, a gender that is different from the gender assigned to them at birth.
- *Transitional Supportive Housing (TSH) Services.* A type of facility-based housing assistance that provides up to 24 cumulative months of rental assistance to eligible households that are homeless or at risk of homelessness. Services allow for an opportunity to move households to permanent housing. The subsidy amount is determined in part based on household income and rental costs associated with the household's lease.
- *Veteran.* A veteran is someone who has served on active duty in the Armed Forces of the United States. This does not include inactive military reserves or the National Guard unless the person was called to active duty.

### Program Purpose, Administration, and Overview

#### Program Purpose

The goals of the COT HOPWA Program are to help low-income eligible individuals and their households establish or maintain affordable and stable housing, reduce their risk of homelessness, and improve their access to health care and supportive services.

#### Program Administration

The COT HOPWA program is funded by annual formula grants from HUD. The annual formula grants are included in the City of Tucson-Pima County Consortium 5-year HUD Consolidated Plan, Annual Action Plans, and Consolidated Annual Performance Evaluation Reports. The COT contracts with project sponsors who deliver housing and services to eligible individuals.

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### City of Tucson Roles and Responsibilities

The City of Tucson is responsible for

1. Compliance with all federal and state regulations, policies, standards, and guidelines. Contracting with eligible project sponsors and confirming that project sponsors manage program funds in compliance with HUD regulations and COT policies and procedures.
2. Establishing a process for and selecting project sponsors not less than every three years, which may include a Request for Proposals, Call for Projects, or similar effort to identify entities capable of complying with HOPWA grant administration requirements and delivering HOPWA activities. Funding recommendations are made by staff and/or a community review panel to the Mayor and Council.
3. Ensuring that project sponsors implement the program efficiently, effectively, and properly.
4. Collaborating with project sponsors to develop local program policies, as needed, to transition HOPWA-assisted households to sustainable permanent housing solutions, establish alternate STRMU caps, or apply stricter program eligibility or service requirements beyond basic regulations.
5. Safeguarding against conflicts of interest. In addition to the conflict of interest requirements in 2 CFR §200.318 through §200.326, no person who is an employee, agent, consultant, officer, or elected or appointed official of the COT and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter.

### Project Sponsor Roles and Responsibilities

Project sponsors are responsible for:

1. Complying with all federal and state regulations, policies, standards, and guidelines as specified in the COT agreement, and this manual
2. Managing program funds in compliance with HUD regulations and charging costs to the appropriate contract (costs incurred in one contract year cannot be paid with funds from a different contract year). Current and historical spending data should be used for service planning purposes.

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3. Monitoring expenditures throughout the program year to ensure funds are available and not depleted prematurely.
4. Ensuring direct and indirect administrative costs do not exceed seven percent of their total program allocation, or the amount authorized in the COT agreement, whichever is lower.
5. Implementing the program efficiently, effectively, and properly.
6. Collaborating with the COT to develop local program policies as needed.
7. Filing Internal Revenue Service (IRS) Form 1099 for TBRA, STRMU, FBHA, and PHP rent payments to individuals and partnerships.
  - a. If a project sponsor makes rent payments of \$600.00 or more to property owners in any calendar year, then they must report this to the IRS on form 1099-MISC, Box 1, "Rents" (Revenue Rule 88-53). To comply with this requirement, project sponsors must obtain the taxpayer identification number (TIN), social security number (SSN), or employer identification number (EIN) of all entities to which it will make rent payments. Form W-9 must be completed and returned to the project sponsor before any rent payments are made. Persons include individuals and partnerships. Form 1099-MISC must be issued to the property owner by January 31st and submitted to IRS no later than February 28th. Form 1099-MISC does not need to be issued to corporations or utility vendors. Copies of IRS Forms W-9 and 1099-MISC as well as detailed instructions on their completion can be obtained from the IRS [website](#).
8. Safeguarding against conflicts of interest. In addition to the conflict of interest requirements in 2 CFR §200.318 through §200.326, no person who is an employee, agent, consultant, officer, or elected or appointed official of the project sponsor and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure or for one year thereafter. Project sponsors must have policies in place that identify and handle real or potential conflicts of interest on the part of board members, staff persons, and other representatives of the organization, such as volunteers. HUD requires such a policy, which are often part of an organization's "code of conduct" for board, staff, and volunteers. It is advisable to have a copy signed by all members listed above on an annual basis.
9. Ensuring the environmental review requirements are completed by the COT prior to acquiring, rehabilitating, converting, leasing, repairing, disposing of, demolishing or constructing real property.

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10. Following Homeless Management Information System (HMIS) policies and procedures;
11. Following Continuum of Care Coordinated Entry policies and procedures;
12. Attending required annual training including, but not limited to, confidentiality (available through tpch.net) and financial management training;
13. Developing and implementing policies and procedures for COT approval regarding:
  - a. Organizational financial management;
  - b. Anti-discrimination and affirmative outreach;
  - c. Confidentiality;
  - d. Grievances;
  - e. Rent standard increases;
  - f. Requiring application to the Housing Choice Voucher Program or other affordable housing opportunities;
  - g. Program, housing and service eligibility criteria beyond basic regulatory requirements;
  - h. Service caps for STRMU, STSH, and other services;
  - i. Survivor grace periods;
  - j. Termination of assistance; and
  - k. Waiting list procedures for TBRA, STRMU, and FBHA.

#### Housing Assessment and Case Plans

Project sponsors must complete an assessment of each beneficiary's housing history and preferences. This assessment and the development of a case plan are eligible activity costs. The assessment should be conducted using a trauma-informed approach, and will vary somewhat based on the individual beneficiary. In general, it will address questions such as:

- What action, behavior or circumstances led to housing problems?
- In what setting has the beneficiary been happiest and most stable? What settings did not work?
- What supports are needed for the beneficiary to enter and maintain stable housing?

During the assessment process, project sponsor staff must also review and discuss with the beneficiary available housing options and resources.

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Using the assessment results, the beneficiary and case manager work together to establish a case plan that includes agreed-upon supportive services needs and goals. Case plans must be individualized to the needs of the beneficiary and note which parties are responsible for which tasks or interventions. Goals should be written to include the following:

- Statement of goal(s) the beneficiary plans to achieve
- Action steps designed to attain the goal(s)
- Timeframe for achieving the goal(s) and completing action step(s)
- Specific outcome(s) to achieve
- Support needed to achieve goal(s)
- Tasks to be accomplished by the beneficiary and the housing case manager

Case plan goals must be beneficiary-driven, include short-term and long-term goals and action steps for establishing affordable permanent housing stability, and improving access to health care and supportive services.

Project sponsors are required to work with beneficiaries to create a budget in conjunction with their case plan. The budget should be based on actual income and expenditures and can be used to understand household spending patterns. For example, a budget could assess the last 30 days of income and expenditures to better understand recent spending and determine current available financial resources. The case plan, with the budget, could address money management issues (particularly if housing instability is related to poor money management practices, such as the use of credit cards or cash for non-essential items or entertainment activities).

Assessment should be ongoing, and must be reviewed at least every six (6) months. Case plans should be treated as living documents to be updated regularly as existing goals are met, new goals are identified, or the beneficiary's situation changes. In addition to beneficiary progress, all referrals and efforts on the part of project sponsor staff to connect beneficiaries to other housing assistance should be documented in the case plan.

### Confidentiality

The COT and project sponsors ensure the confidentiality of all records through the following procedures in compliance with the HOPWA Confidentiality User Guide at <https://files.hudexchange.info/resources/documents/HOPWA-Confidentiality-User-Guide.pdf>:

1. Definition of confidential data and protected health information;



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2. How confidentiality is maintained;
3. Breach procedures, notification requirements, mitigation activities, sanction levels, and requirements for duty to warn or report breach;
4. Confidentiality training schedule;
5. Designated staff member responsible for privacy and security;
6. Measures to prevent unintentional disclosures, such as via agency logos or other identifying information on checks, letters, notifications, forms, envelopes, etc. that could imply a household member is living with HIV.

Absent a specific written authorization from a HOPWA beneficiary, the COT and project sponsors will not exchange information with any other agency or entity, project sponsors must secure a release of information from the beneficiary not less than annually. Project sponsors must use the HMIS release form.

#### Preventing Unintentional Disclosures

Confidentiality must also be assured in programs. When implementing an eligible activity that makes payments on behalf of a beneficiary to third parties (landlords, utility companies, etc.), the project sponsor must:

1. Encrypt electronic communications;
2. Maintain a “doing business as” (dba) alias that does not identify the organization as an organization that provides HIV or AIDS services, if the organization name suggests it provides HIV or AIDS services;
3. Use the dba on all program documents, including bank accounts, mailing materials (checks, letterhead, envelopes, etc.);
4. Utilize a separate phone line and answer the phone using the dba name; and
5. Use the dba in all electronic communications (email, fax, virtual meetings, etc.).

#### Ensuring Access to the Program

Project sponsors must have an accessible location(s) where households can apply for assistance. Applicants must be informed of housing assistance services during intake and existing beneficiaries should be informed during routine medical, psychosocial, or other appointments. At minimum, the information provided must include:

1. The types of housing assistance available;
2. The application process;

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3. Documentation needed to determine program eligibility and qualifications for specific program services;
4. Current waitlists and priority populations, if applicable; and
5. Potential interview dates and times.

Project sponsors may hold scheduled or unscheduled meetings with applicant and beneficiary households. To accommodate the needs of various households and assure proper use of staff resources, Project sponsors should offer the following options for meeting with households:

1. Regular In-Office Meetings. Households can meet with Project sponsor staff in the office during regular business hours.
2. Special In-Office Meetings. If a household cannot meet with Project sponsor staff in the office during regular business hours, then a Project sponsor should arrange an off-hour meeting.
3. Home Visit Meetings. If a household cannot meet with Project sponsor staff in the office, then the Project sponsor should arrange a meeting at the household's current residence or other agreed location.
4. Remote Meetings. Instead of a face-to-face meeting, a Project sponsor may arrange a remote meeting via phone or secure audio/video streaming technology and households may submit applications and/or other relevant documentation via mail, fax, or secure electronic means. Project sponsors using telemedicine, or telehealth platforms to offer remote meetings must do so in accordance with federal and state law.

Project sponsors must share program information and eligibility criteria with HIV prevention and care agencies, the Public Housing Agency, and other affordable housing programs. To accomplish this, Project sponsors may post program information on their websites and social media platforms or distribute program information via pamphlets, fliers, and/or email lists. Project sponsors must, at a minimum, share information with other agencies annually and whenever it is updated. Project sponsors must also document how they shared program information each program year.

Project sponsors must document unmet need beyond their service capacities by establishing waitlists for HOPWA-eligible households and maintaining a waitlist management tool (even if there are currently no waitlisted households). The policy must specify how the waitlist is maintained and how waitlisted households are prioritized. Project sponsors must categorize waitlisted households by the service category they need (i.e., TBRA; STRMU with additional STRMU subcategories for rent, mortgage, or utility costs; and FBHA), update their waitlists every three months at minimum, and include the dates households are added and removed.

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### Fair Housing, Nondiscrimination, and Equal Opportunity

The Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, religion, sex, age, national origin, familial status, or disability. The City of Tucson ordinance extends this prohibition to sexual orientation, gender identity, and ancestry. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence.

Affirmatively Furthering Fair Housing (AFFH) is a legal requirement to further the purposes of the Fair Housing Act. The COT supports Project sponsors in their efforts to take meaningful actions that overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination.

Americans with Disabilities Act (24 CFR §574.603(a)(1)). The COT and Project sponsors must comply with the applicable provisions of the Americans with Disabilities Act (42 USC 12101-12213) and implementing regulations in 28 CFR §35 (States and local government grantees) and §36 (public accommodations and requirements for certain types of short-term housing assistance).

Affirmative Outreach (24 CFR §574.603(b)). Project sponsors must develop program policies to ensure that all persons who qualify for the assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or disability, know of the availability of the HOPWA program, including facilities and services accessible to persons with a disability, and maintain evidence of implementation of the procedures.

Reasonable Accommodations. Project sponsors must make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to access the program or use and enjoy a dwelling. In addition to implementing a reasonable accommodation policy in its provision of HOPWA assistance, project sponsors must provide reasonable accommodations in housing owned and operated by the project sponsor. The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, an owner with a “no pets” policy may be required to grant an exception to this rule and allow a household member who is blind to keep a guide dog in the residence. The Fair Housing Act also requires owners to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. The Fair Housing Act further requires that new multifamily housing

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with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

### Violence Against Women Act

The Violence Against Women Act (VAWA) provides protections and remedies for program applicants and beneficiaries who are survivors of domestic violence, dating violence, sexual assault, or stalking. Despite the name of this law, VAWA protections and remedies are available regardless of sex, gender identity, or sexual orientation. An applicant or beneficiary of the HOPWA Program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the unit on the basis or as a direct result of the fact that the applicant or beneficiary is or has been a survivor of domestic violence, dating violence, sexual assault, or stalking, if the applicant or beneficiary otherwise qualifies for admission, assistance, participation, or occupancy.

The COT HOPWA program uses the VAWA policies, procedures and forms identified in the Housing Choice Voucher Administrative Plan. These policies and forms are available in Spanish and include a certification form, emergency transfer form, emergency transfer plan, lease addendum, and notice of occupancy rights. Policies, procedures and forms are found at: [https://www.tucsonaz.gov/files/hcd/2022\\_HCV\\_Admin\\_Plan.pdf](https://www.tucsonaz.gov/files/hcd/2022_HCV_Admin_Plan.pdf).

1. Project sponsors must enter the agreement number or a neutral program name in each document used to attribute its use to the HOPWA program and protect beneficiary confidentiality.
2. Owners must use the VAWA Lease Addendum to lease a unit to an eligible individual. The Addendum incorporates eviction prohibitions, lease construction provisions, and the confidentiality of documentation submitted by survivors requesting emergency transfers and of each survivor's housing location. The Addendum provides that the survivor may terminate the lease without penalty if the survivor has met the requirements for emergency transfer. Additionally, owners must provide the VAWA Notice of Occupancy Rights and VAWA Certification Form with any notification of eviction they provide to the household.

### Housing Quality Standards

Per 24 CFR §574.310(b), §574.635, §35, HUD CPD Notice 94-05, and HUD CPD Notice 22-15 (carbon monoxide alarms or detectors in HOPWA-assisted housing), assisted units, including shared housing arrangements, must be safe, sanitary, and compliant with all applicable state

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and local housing codes, licensing requirements, and any other requirements regarding the condition of the structure and the operation of the housing.

Project sponsors must ensure that assisted units meet all Habitability Standards, Lead Safe Housing Rules, and Fire Safety Requirements. TBRA and TSH units must be inspected. STRMU, STSH, and PHP units do not require inspections, but households must certify their housing meets all standards and requirements. If a STRMU- or STSH-assisted household is residing in substandard housing, the housing plan must address any unit deficiencies or include a goal of moving the household to a unit that meets all Housing Quality Standards (HQS). Training on habitability standards is available at <https://tpch.net/hqstraining/>.

Project sponsors must complete the Housing Quality Standards checklist before assisting a unit and before annual eligibility recertifications. The HQS checklist is found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/52580.PDF>.

When the PHA is administering a TBRA program and a beneficiary occupies a unit owned by a project sponsor or the project sponsor provides services at sites owned by the sponsor or an affiliate or parent of the project sponsor, the site and unit(s) must be inspected by an unaffiliated third-party inspector. The cost of the inspection may be included in the project budget.

### [Linkage with Other Affordable Housing Programs](#)

Project sponsors must establish linkages and collaborative relationships with the COT Housing Choice Voucher Program and other affordable housing programs. These programs can be a vital resource for the long-term housing needs of HOPWA-assisted households. Project sponsors must document how the linkages and collaborative relationships are being accomplished (e.g., written cooperative agreements, protocols, correspondence, etc.). Other long-term housing assistance programs include, but are not limited to:

- Veterans Affairs Supportive Housing;
- Section 811 Supportive Housing for Persons with Disabilities; and
- Low-income Housing Tax Credit projects.

### [Program Forms](#)

The following Housing Choice Voucher program forms are used for tenant-based rental assistance managed by the COT Public Housing Authority:

1. Personal declaration;

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2. Income;
3. Asset certification;
4. Declaration of Citizenship;
5. General Release form;
6. Applicant/Participant Certification;
7. Release for Southern Arizona AIDS Foundation;
8. Rent Subsidy Authorization (when beneficiary is issued a moving packet); and
9. Half Sheet Packet Summary (when beneficiary is issued a moving packet).

### Program Eligibility

Project sponsors are responsible for determining the eligibility of households that apply for the program. In shared housing arrangements where two or more unrelated households live together, project sponsors must assess the eligibility of only the applicant household, not the eligibility of the other households. Households must meet the following criteria to be eligible:

1. At least one household member must be living with HIV (24 CFR §574.3);
2. Household annual gross income cannot exceed 80% of the Pima County area median income adjusted for household size; and
3. The household must reside in *Pima county*.

With COT approval, project sponsors may establish additional eligibility restrictions for the program, such as a preference that prioritizes assistance to individuals or households.

### Program Eligibility Confirmation and Documentation

Before applicant households are determined eligible and enrolled in the program, project sponsors must confirm their eligibility by obtaining complete and acceptable eligibility documentation. Eligibility documentation must be maintained in the household's record. Project sponsors must notify households of their program eligibility (eligible or ineligible) in writing. Eligibility for participation in the program must be confirmed by obtaining:

1. Proof of HIV seropositivity for at least one household member;
2. Proof of income for all household members age 18 and older, and supporting documentation per 24 CFR 5.609; and
3. Proof of current residency for all household members 18 years of age and older.

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### Proof of HIV

Proof of HIV may be found in laboratory test results or other forms of documentation that bear the beneficiary's name. HIV testing technology changes rapidly and standards for HIV confirmation continue to evolve. Project sponsors must stay informed of advances as newer tests may also provide proof of HIV. Examples of documentation include, but are not limited to:

1. Positive result from HIV screening test (Multi-Spot, HIV 1/2 Combo Ab/Ag Enzyme Immunoassay [EIA]);
2. Positive result from an HIV 1 RNA qualitative virologic test such as a HIV 1 Nucleic Acid Amplification Test (NAAT);
3. Detectable quantity from an HIV 1 RNA quantitative virologic test (e.g., viral load test);
4. Report of detectable HIV "viral load" that includes the name of the beneficiary;
5. A signed statement from a physician, physician's assistant, advanced practice nurse, or registered nurse attesting to the HIV-positive status of the person; or
6. A hospital discharge summary documenting that a person is living with HIV.

Client records from a beneficiary's previous service provider may be used for the purpose of confirming the beneficiary's program eligibility if those records contain one of the forms of proof listed above.

### Proof of Income

In order to determine a beneficiary's income eligibility, project sponsors must calculate the gross household income in accordance with 24 CFR 5.609 and verify that it does not exceed 80% of the area median income (AMI). Current income limits may be found at <https://www.huduser.gov/portal/datasets/il.html>.

HOPWA beneficiaries are required to provide current income documentation. If the beneficiary does not have any income, the beneficiary must sign and date a zero-income affidavit form. If the beneficiary has income, the project sponsor must obtain supporting documentation:

1. Source documents (e.g., most recent wage statement, unemployment compensation statement, public benefits statement, bank statement) for the assets held by the beneficiary and income received before the date of the evaluation;
2. If source documents are unobtainable, a written statement by a relevant third party (e.g., employer, government benefits administrator) or the written certification by intake staff of the oral verification by the relevant third party of the income the beneficiary received over the most recent period is acceptable; or

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3. If source documents and third-party verification are unobtainable, the written certification by the program beneficiary of the amount of income that the beneficiary is reasonably expected to receive over the 3-month period following the evaluation.

If source documents are unavailable, the project sponsor must document efforts made to obtain them.

Project sponsors must follow the income certification requirements of 24 CFR 5.609 and are encouraged to use the CPD Income Eligibility and Income Limits tool found at <https://www.hudexchange.info/incomecalculator/>.

Full guidance regarding income determinations is also found in Chapter 6 and related appendices of the City of Tucson Housing Choice Voucher Administrative Plan at [https://www.tucsonaz.gov/files/hcd/2022\\_HCV\\_Admin\\_Plan.pdf](https://www.tucsonaz.gov/files/hcd/2022_HCV_Admin_Plan.pdf).

### Proof of Current Residency

Proof of current residency for all household members 18 years of age and older may be documented through:

1. A lease naming the household member as the leaseholder or occupant.
2. Ownership of encumbered property may be documented through a mortgage or a deed of trust; a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the household as the property owner/debtor; or, a valid, currently-dated title insurance policy identifying the eligible person or a resident member of the household as the property owner/debtor.
3. A utility account in a household member's name.

If any household member 18 years of age and older reports that they do not have a fixed address or have attempted but cannot obtain third-party proof of current residency, the household member must complete and sign a self-declaration of residency.

### Annual Eligibility Recertifications

After an initial eligibility certification, household program eligibility must be recertified at least annually (every 12 months) so that housing assistance and supportive services may continue. For annual eligibility recertifications, households must provide proof of gross income and current residency as described above. In addition, program enrollment and applicable service forms must be completed again, and the household's housing case management plan must be reviewed and updated as needed.



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### Interim Eligibility Recertifications

Household program eligibility must be recertified if household eligibility factors have changed during an annual eligibility period. Eligibility must be recertified when household income and/or composition have changed and the household will remain in the program. A change in household income or composition may affect other program eligibility criteria and rental assistance components.

- *Change in Household Income.* The COT HOPWA Program defines a change in income as an increase or decrease of \$2,400 or more per year to align with HUD's Occupancy Requirements for Subsidized Multifamily Housing Programs.
- *Change in Household Composition.* When household composition changes, new documents must be attached for all household members 18 years of age or older. If the household does not include a household member living with HIV, the household is no longer eligible for the program unless the household qualifies for the project sponsor's grace period. If household annual gross income exceeds 80 percent of AMI, the household is no longer eligible for the program.

### General Housing Assistance and Supportive Services Eligibility

To receive any type of HOPWA housing assistance and/or supportive services, the household must:

1. Meet program eligibility requirements;
2. Express understanding of program goals, program eligibility, service requirements, and rights and responsibilities and consent to program enrollment;
3. Provide demographic and statistical data for all household members; and
4. Occupy a unit that meets Housing Quality Standards.

In addition to meeting these general requirements, each eligible activity has differing requirements.

1. To receive Tenant-Based Rental Assistance (TBRA):
  - a. The household can be housed or homeless;
  - b. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent;
  - c. At least one household member must be named on the current lease or utility bill; and
  - d. The current lease must include a VAWA Lease Addendum.

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2. To receive Short-Term Rent, Mortgage, and Utility (STRMU):
  - a. The household must already be housed;
  - b. The household must provide proof of a recent short-term emergency event that jeopardizes housing stability;
  - c. At least one household member must be named on the current lease, mortgage, or utility bill; and
  - d. The household can receive up to 21 weeks of assistance in a 52-week period.
3. To receive Housing Case Management (HCM):
  - a. The household can be housed or homeless; and
  - b. The household must collaborate with their housing case manager to develop and comply with a comprehensive housing plan to achieve permanent sustainable housing and adhere to medical care.
4. To receive Short-Term Supportive Housing (STSH):
  - a. The household must be homeless;
  - b. The household can receive up to 60 days of facility-based assistance in a six-month period.
5. To receive Transitional Supportive Housing (TSH):
  - a. The household must be homeless/at risk of homelessness;
  - b. The gross rent of the proposed unit must be at or below the lower of the rent standard or the reasonable rent;
  - c. At least one household member must be named on the current lease or utility bill;
  - d. The current lease must include a VAWA Lease Addendum; and
  - e. The household can receive up to 24 months of facility-based assistance.
6. To receive Permanent Housing Placement (PHP):
  - a. The household can be housed or homeless;
  - b. The household must locate housing; and
  - c. At least one household member must be named on the lease.

## **Eligible Activities**

The City of Tucson HOPWA program currently implements the following eligible activities:

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1. Tenant-based Rental Assistance (TBRA);
2. Short-term Rent, Mortgage, and Utility Assistance (STRMU);
3. Supportive Services, including Housing Case Management;
4. Project sponsor Administration; and
5. City of Tucson (Grantee) Administration.

In addition to currently-implemented activities, HUD authorizes and the COT may consider implementing the following HOPWA program activities at its sole discretion:

1. Facility-based Capital Investments;
2. Facility-based Housing Assistance (FBHA);
  - a. Short-term Supportive Housing (STSH);
  - b. Transitional Supportive Housing (TSH);
3. Permanent Housing Placement (PHP);
4. Housing Information Services (HIS); and
5. Resource Identification (RI).

These activities are permitted only to the extent that they are included in the COT's HUD-approved Annual Action Plan and, if to be carried out by a project sponsor, in the subaward agreement duly executed by the COT and the project sponsor.

The table in Appendix 1 describes the steps in providing assistance by eligible activity. The table in Appendix 2 provides an overview of eligible activities and costs.

### Tenant-Based Rental Assistance (TBRA)

Tenant-based Rental Assistance (TBRA) is a rental subsidy used to help households obtain or maintain permanent housing, including assistance for shared housing arrangements, in the private rental housing market until they can enroll in the Housing Choice Voucher Program (HCVP) or other affordable housing programs. Under TBRA, the household selects a housing unit of their choice. If the household moves out of the unit, payments to the owner will end and the household can move with continued assistance to another unit. TBRA households that fail to apply for the HCVP, public housing, and other affordable housing programs, renew applications as required, and/or accept assistance as offered *will* be terminated from the HOPWA program.

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TBRA may be administered by the Public Housing Authority or by a project sponsor. When administered by the PHA, the PHA accepts the following project sponsor obligations:

1. Reviewing applications and determining eligibility of households referred by the project sponsor;
2. Conducting sex offender, earned income verification (EIV), and debt checks;
3. Arranging an eligibility appointment through the project sponsor case manager;
4. Conducting the eligibility appointment, which must be attended by the project sponsor case manager;
5. Conducting the contract signing;
6. Providing a copy of the housing assistance calculation and Housing Assistance Payment (HAP) and any amendments to the project sponsor; and
7. Conducting annual and interim certifications, as needed.

#### Eligible Costs

Eligible TBRA costs include program delivery costs and housing assistance that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;
  - d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;

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- j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;
  - l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes
2. Housing Assistance Costs up to the maximum subsidy as defined in 24 CFR §574.320(a)(1), subject to any limitations established by the COT in the COT Annual Action Plan, project sponsor subaward, and/or COT-approved project sponsor policies, including:
- a. Rental costs paid directly to the property owner/landlord; and
  - b. Utility costs paid directly to the utility provider.

In shared housing arrangements, where two or more unrelated households live together and divide rental costs, project sponsors must prorate rental assistance for the portion of the unit occupied by the enrolled household. Shared housing can often be a voluntary cost-effective alternative to individual housing arrangements.

#### Ineligible Costs

In general HOPWA TBRA cannot pay any cost not specifically identified as eligible, including rental or utility debts, late or reconnect fees, or mortgages, or initial move-in costs (e.g., application and administrative fees, security and utility deposits, etc.). However, initial move-in costs can be paid using PHP. TBRA may not be used to assist mortgagors.

#### Housing Status

Households can be housed or homeless. Households must present evidence of current or imminent tenancy in the private unassisted housing market or in an assisted unit (LIHTC, HOME) that accepts TBRA vouchers.

#### Rent

Households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant. Generally, if the eligible individual is not named on a valid lease either as a tenant or an occupant, the individual has no legal right to reside in the unit and is therefore unqualified for TBRA housing assistance services.

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### Utilities

In the event a household receiving TBRA qualifies for a utility reimbursement, the difference must be paid to the utility vendor. To receive a utility reimbursement, a household member must have an account in their name with a utility company. To receive a utility reimbursement, a household member must have an account in their name with a utility company. If the household does not have utility accounts in their name, yet can demonstrate responsibility for utility payments, assistance can be provided. If the utility account is in someone else's name, a notarized statement from the individual on the utility account stating such responsibility or proof of consistent prior and current payments by the household are acceptable forms of documentation.

### Occupancy Standards

Project sponsors must determine the appropriate number of bedrooms based on household composition. The following requirements apply when determining the appropriate unit size:

1. Size must provide the smallest number of bedrooms needed for all members without overcrowding.
2. Size must be consistent with space requirements under the Housing Quality Standards.
3. Size must be applied consistently for all households of like size and composition.
4. A child who is temporarily away from the home because of placement in foster care is considered a member of the household in determining the size.
5. A pregnant woman will be treated as two people in determining the size.
6. Small children (less than 2 years of age) may share a one-bedroom with a single parent.
7. Live-in aides will be allocated a separate bedroom; no additional bedrooms will be provided for the live-in aide's family.
8. Two elderly or disabled household members may be given separate bedrooms.
9. Foster children will be included in determining unit size.
10. Single person households will be allocated a studio or one bedroom.

To be counted as a bedroom, the room must meet Housing Quality Standards and provide a private area where household members may sleep. If the only method to enter one area is to pass through another room, then the space may be counted as a living/sleeping area, but will not be counted as a bedroom. The living room may be counted as a living/sleeping area, but not a bedroom. Kitchens and bathrooms may not be counted as living/sleeping areas or bedrooms.

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### Rent Standard and Rent Reasonableness

The gross rent (rent including utilities) of a HOPWA-assisted unit must be at or below the lower of the rent standard or the reasonable rent.

The rent standard may not exceed the HUD-published Fair Market Rent (FMR) or HUD-approved exception rent as published by the PHA for the voucher size allocated to the family. The rent standard includes both rent and utilities, or the gross rent. Utilities included in gross rent are electricity, fuel (e.g., natural gas, oil), water, sewer, and trash removal. Telephone, internet, and cable are not included. When determining whether a proposed unit is within the rent standard, project sponsors need to know the amount of several costs, including:

1. Rent being requested by the owner;
2. Basic utilities included in the rent to the owner; and
3. Basic utilities to be paid separately in addition to the rent paid to the owner.

When choosing the applicable rent standard for a beneficiary household, project sponsors must refer to the Occupancy Standards to determine the number of bedrooms a household qualifies for, then select the corresponding rent standard. A household may occupy a unit that is smaller or larger than specified by the Occupancy Standards, but in such instances, project sponsors must use the rent standard for the lower of either the number of bedrooms allowed by the Occupancy Standards or the actual number of bedrooms in the proposed unit. For example, if a household qualifies for a one-bedroom unit, but occupies a two-bedroom unit, the project sponsor must use the rent standard for a one-bedroom unit. Similarly, if a household qualifies for a two-bedroom unit, but occupies a one-bedroom unit, the project sponsor must use the rent standard for a one-bedroom unit.

The gross rent must also be reasonable in relation to rents for comparable unassisted units in the private market and must not be in excess of rents charged by the owner for comparable unassisted units. Project sponsors should not assume that if the gross rent of an assisted unit is within the established rent standard that the rent being charged for the unit is reasonable. It is possible that a unit may be within the established rent standard, but not considered rent-reasonable. Project sponsors must document for each unit that a reasonable rent is being charged compared to other units in the private market and must verify, if applicable, that the rent charged for the unit is reasonable compared to the rent of other comparable unassisted units owned by the same owner. Proposed units must be compared with two similar units. Project sponsors should account for unit location, size, type, age, amenities, and utilities provided by the owners. Proposed unit should be compared to:

1. Units with similar bedrooms, bathrooms, and square feet.

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2. Similar unit types (e.g., house, duplex, apartment, etc.).
3. Units with similar amenities (appliances, patios, etc.).
4. Units in the same neighborhood.

Project sponsors must review rent standards annually and adjust them if necessary to correspond with annual updates to FMRs or exception rents. When the rent standard changes, newly-leased units and units leased upon household recertification may not have rents that exceed the new standard.

### Housing Unit Search

Households may be given a specified amount of time to search for and identify an eligible unit. For the COT PHA TBRA program, households are given 30 days for the initial search and, if approved by the project sponsor case manager, may be provided an additional 30 days.

### Calculating Monthly Household and Project sponsor Rent Payments

TBRA pays the difference between the contracted rent to the owner and the household's calculated rent payment. Project sponsors make rental assistance payments directly to property owners and, in rare circumstances, to utility vendors in the form of a utility reimbursement. The Households receiving TBRA must pay as rent, including utilities, an amount which is the higher of:

1. The minimum rent of \$25.00/month;
2. 30 percent of the household's monthly *adjusted* income; or
3. 10 percent of the household's monthly *gross* income.

### Utility Allowances and Reimbursements

Households receiving TBRA must receive a utility allowance if they pay a separate utility vendor in addition to rent and utilities paid to the owner. Households only receive an allowance for utility costs that are not paid by another source. Allowances are prorated in shared housing arrangements. Project sponsors must use the PHA utility allowance schedule for the lower of the approved voucher size or actual number of bedrooms in the unit.

When a household's allowance exceeds the household rent payment, the household's adjusted rent payment is \$0 and the difference is paid to the utility vendor in the form of a utility reimbursement. Project sponsors must notify the beneficiary of the amount paid to the utility vendor and maintain a record of the notification in the household's record.



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### Rental Assistance in Shared Housing Arrangements

Shared housing arrangements, where two or more unrelated households live together and divide rental costs, are allowable under TBRA and TSH. Project sponsors must prorate rental assistance for the portion of the unit occupied by the enrolled household. The rent charged must relate to the size of the private space for that household in comparison to other private space in the shared unit, excluding common space. An assisted household may be assigned a pro rata portion based on the ratio derived by dividing the number of bedrooms in their private space by the number of bedrooms in the unit.

### *Unit Qualification*

To qualify for shared housing:

1. The entire unit must meet all Housing Quality Standards;
2. The unit must include (whether in the private or common space) a living room, sanitary facilities, and food preparation and refuse disposal facilities;
3. The entire unit must provide adequate space and security for all of its households (whether assisted or unassisted);
4. The unit must contain private space for each household, plus common space for all households; and
5. The private space for each household must contain at least one bedroom for each two members.

A zero- or one-bedroom unit may not be used for shared housing. Additionally, an assisted person may not be related by blood or marriage to a resident owner, and project sponsors cannot provide housing assistance if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the household. Project sponsors may grant an exception to these regulations if they determine that approving the unit would provide a reasonable accommodation for a household member with disabilities.

### *Rent Standard*

The rent standard for shared housing is the lower of:

1. The rent standard for the voucher size issued to the household; or
2. The rent standard for the size of the private space based on the number of bedrooms occupied by the assisted household proportionate to all bedrooms in the unit.

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### *Rent Reasonableness*

Rent reasonableness determinations are the same for shared housing as for housing that is not shared.

### Tenant Lease Provisions for TBRA and TSH Services

Project sponsors must ensure that prospective leases for TBRA and TSH include and exclude certain provisions. Staff must review prospective leases to ensure they meet any additional requirements developed by the project sponsor. Households should not be directed to sign a lease until this review is complete. Generally, the lease should be for not less than one year and should allow for renewal after that period. However, project sponsors may approve a shorter initial lease if it would improve housing opportunities for a household and such shorter term is the prevailing local market practice.

Executed leases (i.e., signed and dated by all parties) must be maintained in each household's record. In shared housing arrangements where two or more unrelated households live together, project sponsors must obtain a written roommate agreement with a breakout of each household's share of the total rent to the owner. Additional detailed information may be found in the HOPWA Rental Assistance Guidebook at <https://www.hudexchange.info/resource/2818/hopwa-rental-assistance-guidebook/>.

The following provisions must be included in the lease or added as a lease addendum:

1. Details about the rental amount, including tenant and rental program shares of the rent to be paid monthly;
2. List of utilities to be paid or provided by owner and those to be paid by tenant;
3. List of appliances to be provided by owner;
4. Explanation of owner's responsibility for maintenance and services;
5. Condition(s) necessary for eviction;
6. Prohibition against discrimination;
7. Amount of security deposit and who will pay it; and
8. Names of all occupants that will be living in the unit.

The following provisions must be excluded from the lease:

- *Agreement to be sued.* Agreement by the tenant to be sued, to admit guilt or to a judgment in favor of the owner in a lawsuit brought in connection with the lease

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- *Treatment of property.* Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties (Note: This prohibition does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with state law.)
- *Excusing owner from responsibility.* Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent
- *Waiver of notice.* Agreement by the tenant that the owner may institute a lawsuit without notice to the tenant
- *Waiver of legal proceedings.* Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties
- *Waiver of right to appeal court decision.* Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease
- *Tenant chargeable with cost of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant (Note: The tenant may be obligated to pay costs if the tenant loses.)
- *Payment of additional rent or fees to owner.* Agreement by the tenant to pay additional rent or fees to the owner out of pocket once occupancy takes place

The terms must allow the owner to terminate or not renew the lease only for the following reasons:

1. Serious or repeated violation of the terms and conditions of the lease;
2. Violations of applicable Federal, state, or local law; or
3. Other good cause.

[Reasonable Absences from Assisted Housing](#)

Per 24 CFR §982.312, beneficiary households may be absent from their unit for brief periods, not to exceed 180 consecutive days. Absence means that no member of the household is

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residing in the unit. Examples of absences include vacationing, hospitalization, incarceration, enrollment in substance use treatment, or entry to hospice/long-term health care.

Households must promptly notify project sponsors in writing of absences from their unit that will last more than thirty (30) days and provide any information requested on the purposes of household absences. Households must cooperate with project sponsors for this purpose. Project sponsors may adopt appropriate techniques to verify household occupancy or absence, including letters to households at the unit, phone calls, and visits or questions to owners.

During any absence of more than thirty (30) days, the beneficiary must:

1. Provide any requested information to the project sponsor to verify the length of the absence;
2. Affirm their intent to return to the unit at the end of the leave period;
3. Agree to be responsible for receiving and responding to all notices sent by the project sponsor during the period of absence;
4. Pay rent to the owner and pay for utilities while they are absent; and
5. Make arrangements for the unit be inspected, as necessary.

A household that fails to notify the project sponsor of an absence from the unit that will last more than thirty (30) days may be terminated from the program.

#### TBRA Outcome Measures

To measure the effectiveness of TBRA, project sponsors must record household destination outcomes. Outcomes are recorded when a household is disenrolled from the program or continued to the next annual eligibility period as follows:

Household Destination	Outcome Reported
Continued to next year	Stable/permanent housing
Private housing	
Other HOPWA	
Other subsidy	
Institution	
Temporary housing	Temporarily stable/reduced risk
Emergency shelter/streets	Unstable arrangements

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Jail/prison	
Disconnected/unknown	
Death	Life event

### **Short-Term Rent, Mortgage, and Utility (STRMU) Assistance**

Short-term Rent, Mortgage, and Utility Services (STRMU) provides short-term, stabilizing interventions to households experiencing a financial crisis related to their HIV health condition or a change in their economic circumstances. STRMU is designed to prevent households from becoming homeless by helping them remain in their own dwellings, and when utilized together with other efforts, including access to health care services, case management, benefits counseling, and employment or vocational services, works to stabilize assisted households.

STRMU payments are considered a temporary solution for an unstable living arrangement. Project sponsors are required to assess the on-going housing needs of STRMU households and provide access to other permanent housing options, when necessary. Individual housing and services plans must include an assessment of the household's current resources and establishment of longer-term goals for the assisted household. Appropriate goals may include efforts to restore self-sufficiency, develop job skills necessary for gainful employment, access public benefits, enhance educational attainment, vocational rehabilitation, or life skills needed for future independence from housing support. Individual housing and services plans also serve as documentation that project sponsors have met regulatory requirements for on-going assessments of housing assistance and supportive services.

#### **Documentation of Need**

STRMU is needs-based and intended to benefit HOPWA-eligible households that are experiencing a financial crisis arising from their HIV health condition or a change in economic circumstances. To qualify for STRMU, households must provide proof of a recent short-term emergency situation that jeopardizes housing stability.

Additionally, households must demonstrate that they do not have the resources to meet their rent, mortgage, or utility costs and that they would be at risk of homelessness in the absence of STRMU. The assessment of immediate need must, at a minimum, document:

1. The event that jeopardizes housing stability;
2. Resources available to the household to pay housing costs;
3. Employment and benefits status (future resources available); and

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4. Actual monthly bills for recurring costs.

Project sponsors must assess that the household's needs are for actual costs, that other resources such as household income are not reasonably available to pay the housing costs, and that STRMU will alleviate the payment delinquency so as to avoid homelessness and result in, at least, temporary stability for the household.

Project sponsors must also assess on-going housing needs and develop an individual housing and services plan for the household. For homeowners, project sponsors must complete a careful assessment to determine that a household is able to maintain payments on mortgages after the period of assistance ends.

Eligible Costs

Eligible STRMU costs include program delivery costs and housing assistance that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;
  - d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;
  - j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;

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- l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes
- 2. Housing Assistance Costs for not more than 21 weeks, limited to:
  - a. Past due rent, first and second mortgage, and utility debts and fees;
  - b. Late fees and other penalties if, in the event of nonpayment, the household would be at risk of eviction or loss of housing.

### *Utilities*

To receive utility assistance, a household member must have an account in their name with a utility company. If the household does not have utility accounts in their name, yet can demonstrate responsibility for utility payments, assistance can be provided. If the utility account is in someone else's name, a notarized statement from the individual on the utility account stating such responsibility or proof of consistent prior and current payments by the household are acceptable forms of documentation.

### Ineligible Costs

Ineligible STRMU costs include:

- 1. The households' portion of the housing payment when the household is also receiving rental assistance for the same period of time from HOPWA or another federal, state, or local housing assistance program.
- 2. Support for an open line of credit or loan that was secured by the house;
- 3. Taxes and insurance paid separately after the first or second mortgage is paid in full;
- 4. Assistance for payment towards personal loans or credit debts secured against the unit; Assistance for a second mortgage when the first mortgage payments are not current; and
- 5. Household supplies, furnishings, automobile/transportation repairs, and telephone, internet, and cable services.

### Housing Status

Households eligible for STRMU are those that currently legally occupy a housing unit and the STRMU will prevent homelessness. STRMU cannot be provided to a household that is homeless, to assist households moving into a new housing arrangement, or for moving assistance, security and utility deposits, or first month's rent.

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Households must document housing status. Acceptable documentation includes:

1. For a current renter:
  - a. A lease naming the eligible individual as the leaseholder or occupant; or
  - b. If the eligible individual is not named on a valid lease either as a tenant or an occupant, the following documents can also be used, but they are not preferred forms of documentation:
    - i. Documentation that the individual has been responsible for rental payments (e.g., rental receipts, a cancelled check, or a copy of a money order from the tenant to the owner would satisfy this condition).
    - ii. A late payment notice, or any other written communication from the owner to the tenant that provides evidence of tenancy would also be satisfactory.
    - iii. Written documentation from the owner that the individual is a legal resident of the property.
2. For a current owner:
  - a. A deed accompanied by a mortgage or a deed of trust;
  - b. A mortgage or deed of trust default/late payment notice which identifies the eligible individual or other household member as the property owner/debtor; or
  - c. A valid, currently-dated title insurance policy identifying the eligible individual or other household member as the property owner/debtor.

#### [STRMU Time Limits](#)

STRMU payments to prevent the homelessness may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period. Project sponsors are required to calculate the periods of time covered by rent, mortgage, and utility costs to assure that assistance is not provided in excess of the eligible STRMU period.

The STRMU 52-week period begins on the earliest date for which STRMU assistance is provided and ends 52 weeks later. A new 52-week period then begins for the household, should assistance be needed again. For example, a household that receives rent assistance for the full amount of April rent would begin the 52-week period on April 1<sup>st</sup> and end the 52-week period on March 31<sup>st</sup> of the following year. If the same household also had a utility bill in arrears for a period of time prior to April 1, the eligible STRMU period would begin on the earliest date that the assistance covers.



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The COT may use one of three methods in calculating the 21-week period:

1. The actual calendar days of assistance provided;
2. Rounding each month of assistance to 4 weeks; or
3. Counting full and partial weeks of assistance.

The COT uses the calendar days or 147-day methodology. This method is based on counting the actual days for which housing and/or utility payments are made on behalf of the STRMU-assisted household. The limit of 21 weeks is counted as 147 days of assistance in the 52-week period. For example:

- The project sponsor pays a total utility bill and the metering period started on April 5<sup>th</sup> and ended on May 4<sup>th</sup> (30 days). This is counted as 30 days of assistance.
- The project sponsor pays \$100 towards a \$162 utility bill and the metering period started on April 5<sup>th</sup> and ended on May 4<sup>th</sup> (30 days). This is counted as 19 days of assistance and calculated as follows:
  - Total utility bill = \$162 divided by 30 days (metering period) = \$5.40 per day
  - STRMU payment = \$100 divided by \$5.40/day = 18.45 days rounded up to 19 days

### Household Contributions to Housing Costs

STRMU does not require the household to pay a portion of their housing costs; however, Project sponsors may negotiate an appropriate household contribution amount based on the household's ability to pay. Actual amounts paid by the household must be documented to ensure all bills are paid in full. Household contributions also reduce the time counted towards the time period, extending the amount of time assistance can be provided.

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**STRMU Outcome Measures**

To measure the effectiveness of STRMU services, project sponsors must record household destination outcomes. Outcomes are recorded when a household is disenrolled from the program or continued to the next annual eligibility period as follows:

<b>Household Destination</b>	<b>Outcome Reported</b>
Continued to next year	Stable/permanent housing
Private housing	
Other HOPWA	
Other housing (permanent)	
Institution (residential, long-term care)	
Need for STRMU likely to continue	Temporarily stable/reduced risk
Emergency shelter/streets	Unstable arrangements
Jail/prison	
Disconnected/unknown	
Death	Life event

In addition to outcomes, project sponsors must report a household's STRMU history, including:

1. Household received STRMU services this operating year and the prior operating year (two consecutive years); and
2. Household received STRMU services this operating year and the two prior operating years (three consecutive years).

## **Housing Case Management (HCM) and Supportive Services**

Project sponsors must assure that adequate supportive services are made available to all households enrolled in the program. HOPWA funding is considered a supportive services payor of last resort. Project sponsors must identify and use other sources of funds (e.g., Ryan White, Medicaid, ADAP, etc.) for supportive services and use HOPWA funding for supportive services only when services are not covered by another source.

Housing Case Management (HCM) is considered a central component of HOPWA Supportive Services and key to successful program outcomes for housing stability and access to care. Housing case management means that the central emphasis of a case manager's work with a household is placed on housing issues, including evaluation of housing options, housing stability, and housing-specific goals.

The core functions of HCM include engagement, assessment, goal-setting, service coordination, and discharge planning. All project sponsors must make HCM available to households and strongly encourage households to make use of this service. The intensity or level of housing case management that a project sponsor provides to a household will depend upon the household's assessed level of need.

In addition to Housing Case Management, Supportive Services include, but are not limited to:

1. Health services for eligible individuals (not household members);
2. Mental health services;
3. Assessment;
4. Substance use treatment and counseling;
5. Day care;
6. Personal assistance;
7. Nutritional services;
8. Intensive care when required; and
9. Assistance gaining access to local, State, and Federal government benefits and services.

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### Eligible Costs

Eligible Housing Case Management and Supportive Services costs include program delivery costs that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;
  - d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;
  - j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;
  - l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes

### Housing Status

Project sponsors may provide Supportive Services and Housing Case Management to both housed and homeless households.

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[Housing Case Management and Supportive Services Outcome Measures](#)

To measure the effectiveness of supports, project sponsors must record access to care and support outcomes when a household is disenrolled from the program or continues into the next annual eligibility period as follows:

Household Destination	Outcome Reported
Received housing case management (supportive services or leveraged)	Support for stable housing
Has a housing plan for maintaining stable housing	
Had contact with a case manager per the service plan schedule	Access to support
Had contact with a primary health care provider per the service plan schedule	Access to health care
Accessed or maintained medical insurance or assistance	
Accessed or maintained sources of income	Sources of income
Obtained an income-producing job	

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### City of Tucson and Project Sponsor Administration

Administrative costs include general costs for managing, planning, overseeing, coordinating, evaluating, and reporting eligible HOPWA activities. The COT maintain 3% of the annual HOPWA allocation for administration. Project sponsor administrative costs are limited to 7% of the project sponsor's award amount.

#### Eligible Costs

Administrative costs include personnel, travel, equipment, supplies, and contracts for goods and services that are reasonable, allowable, documented, and allocable to overall program operation, rather than a specific approved eligible activity that directly benefits a HOPWA eligible individual or household. Administrative costs include costs that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Legal, accounting, and audit services;
2. Insurance;
3. Rent, utilities, and office maintenance;
4. Facilitating staff meetings and employee evaluations;
5. Compiling, preparing, and evaluating data;
6. Completing programmatic and fiscal reports;
7. Compiling expenditures and requesting reimbursements;
8. Keeping adequate programmatic and fiscal records;
9. Preparing, performing, and documenting programmatic and fiscal monitoring;
10. Initiating, implementing, and completing corrective actions;
11. Recruiting and onboarding staff to undertake and/or manage HOPWA activities;
12. Addressing the concerns and grievances of applicant and beneficiary households;
13. Procuring goods and services;
14. Preparing budget justifications and allocating and/or reallocating funds;
15. Setting and/or adjusting objectives, goals, and targets;
16. Reviewing service delivery systems and utilization to identify trends and gaps;
17. Providing training and/or technical assistance;
18. Developing and/or revising policies and/or procedures; and

19. Consulting with agencies to resolve issues, identify training needs, and enhance program effectiveness.

Staff time may be split between programmatic and administrative activities depending on the tasks staff is performing. For example, supervisory participation in case conferences with staff to discuss complex beneficiary cases may be an eligible supportive service cost. However, supervisory activities such as staff meetings and employee evaluations are administrative tasks for managing and providing oversight of the program. Similarly, time spent issuing a short-term utility payment to a utility vendor would be allocated under STRMU as a direct activity delivery cost, whereas time spent issuing payments for general office expenditures would be allocated under Administration. Staff must carefully track their time and record their activities in sufficient detail to document them as allowable programmatic or administrative costs.

### **Facility-based Housing**

Facility-based housing includes capital investments and housing assistance. Facility-based housing must meet habitability standards throughout a minimum use period. In addition, facility-based housing is subject to supervision of care and support, and rent calculations. Fees beyond rent may not be charged in a facility-based project.

Occupants in facility-based housing must be assessed for and provided with appropriate care and support, including housing, medical and other support needs.

### **Facility-based Capital Investments**

HOPWA funds may be used for capital investments, limited to:

1. Acquisition, rehabilitation, conversion and repair of facility-based housing; and
2. New construction of Single Room Occupancy (SRO) units and Community Residences.

### ***Single Room Occupancy***

A Single Room Occupancy (SRO) unit, is a residential dwelling unit that is the primary residence of an eligible program participant and includes either or both food preparation or sanitary facilities.

### ***Community Residence***

A community residence is a multiunit residence designed to:

- Provide a lower cost residential alternative to institutional care

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- Prevent or delay the need for institutional care;
- Provide a permanent or transitional residential setting with appropriate services to enhance the quality of life for those who are unable to live independently; and
- Enable participants to participate as fully as possible in community life.

When HOPWA funds are provided for a community residence, the COT and/or project sponsor must document that:

1. Required services will be available to residents;
2. Sufficient funding is available to provide the required HOPWA services; and
3. The entity providing the services has the necessary qualifications and capacity.

### *Eligible Costs*

HOPWA funds may be used only for the following project hard and soft costs, and project-specific costs associated with and allocable to the acquisition, construction, and rehabilitation of the facility

### *Project Hard Costs*

- Acquisition of land (for a specific project) and existing structures;
- On-site costs, such as site preparation or site improvements, including demolition;
- Utility connections, including connections from the property line to the adjacent street;
- Materials and labor;
- For new construction or rehabilitation, construction or rehabilitation of laundry, community facilities, on-site management, or supportive services offices;
- Improvements for disability accessibility;
- In pre-1978 structures, compliance with HUD Lead-based Paint regulations;
- Energy-related improvements;
- In facilities with four or more units, the required broadband infrastructure; and
- Relocation costs, including payment for replacement housing, moving costs, and out-of-pocket expenses, advisory services, and staff and overhead related to relocation assistance and services.



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**Project Soft Costs**

- Architectural, engineering and related professional services to prepare plans, drawings, specifications, or capital needs assessments/ work write-ups;
- Financing fees, including private lender origination fees, credit reports, Title binders and insurance, recordation fees, appraisals;
- Transaction fees and taxes, including but not limited to closing costs and appraisals;
- Surety fees (surety bond/performance bonds);
- Legal and accounting, including cost certifications;
- Environmental reviews;
- Developer and builder fees within COT caps, as defined in the HOME program underwriting standards; and
- Impact fees.

**Minimum Use Period**

When HOPWA is used for the construction or rehabilitation of units, minimum use periods apply. The facility and/or units must be restricted for occupancy by eligible people living with HIV/AIDS for a minimum of either a three- or ten-year period based on the type of activity and property value. In addition to occupancy restrictions, the facility and program must meet HOPWA requirements as specified for facility-based housing assistance throughout the minimum use period. The COT may require a longer use period.

<b>3-years</b>	<b>10 years</b>
Value of the property after rehabilitation (including conversion) is less than or equal to 75% of the value of the building after rehabilitation.	Value of the property after rehabilitation (including conversion) is greater than 75% of the value of the building after rehabilitation.
	Acquisition, including acquisition for construction or rehabilitation.
	New construction.

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*Project Sponsor Requirements*

Capital investments in Project Sponsor developed and/or owned facilities must submit an application package that includes the above information and:

1. Project owner contact information;
2. Project owner Unique Entity Identifier;
3. Evidence of good standing with the Arizona Corporation Commission;
4. City of Tucson Business License;
5. If the entity is a partnership or limited liability company, a copy of the partnership or operating agreement that specifies the ownership interest and cash contribution by each partner or member;
6. Most recent audit or income and expense statements and balance sheets for the previous two fiscal years;
7. Current fiscal year-to-date income and expense statement;
8. Current balance sheet showing all assets and liabilities, including contingent liabilities (e.g., construction loans or operating deficit guarantees);
9. Proof of IRS 501c3, 501c4, or section 905 subsidiary status; and
10. Procurement policy.
11. Drug-free workplace policy;
12. Conflict of interest standards and procedures;
13. Confidentiality procedures;
14. Project name and location;
15. Document evidencing site control, which may be a deed, purchase agreement, contract or option);
16. Independent appraiser report if the project includes acquisition of land and/or buildings and/or rehabilitation;
17. Title commitment, or Title report if the applicant is already the property owner;
18. Letters of commitment or terms sheets for each funding or financing source;
19. Project relocation plan, if any buildings to be acquired and/or rehabilitated are occupied by residents or businesses;
20. Phase I Environmental Assessment;

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21. Project timeline;
22. Development budget, including all uses and sources;
23. Capital Needs Assessment, if the project includes acquisition and/or rehabilitation;
24. Termite inspect report;
25. Property design standards, drawings, and/or plans;
26. Waiting list procedures;
27. An operating proforma (project income and expense statement) encompassing not less than the minimum use period and including:
  - a. Projected operating revenue and assistance;
  - b. Projected non-residential revenue, if any;
  - c. Vacancy rates that do not exceed 10%; and
  - d. Operating expenses, including but not limited to development-paid utilities, shelter operating fees, reserves, participant services, and debt service.
28. List of projects previously and jointly completed by the development and/or operating team, including the project name and location, types of funding used, unit and bed mix, and any on- or off-site services provided;
29. For members of the development and operating teams (including business entities) an explanation of any relationships based on family or financial interests between or among two or more individuals or entities.

[Facility-based Housing Assistance \(FBHA\)](#)

Facility-based Housing Assistance (FBHA) encompasses supportive housing facilities including community residences, single-room occupancy (SRO) dwellings, short-term facilities, project-based rental assistance units, and master leased units. Generally, FBHA is separated into three supportive housing categories intended as alternative to skilled nursing facilities or other institutional settings:

1. Short-Term Supportive Housing (STSH);
2. Transitional Supportive Housing (TSH); and
3. Permanent Supportive Housing (PSH).

PSH facilities provide for continued residency as established by a lease or occupancy agreement and enable households to live as independently as possible. Unlike PSH facilities, STSH and TSH facilities are term- or service- limited. STSH facilities provide temporary shelter to households

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that are homeless as a bridge to permanent housing. TSH facilities allow households an opportunity to prepare for permanent housing and develop individualized housing plans that guide their linkage to permanent housing.

### *Project Sponsor Requirements*

Except for payments made to independent temporary shelter providers, project sponsors that wish to provide FBHA must provide the following information to the COT:

1. A description of the service delivery model addressing the following core components:
  - a. Fiscal and operational capacity;
  - b. Funding sources and sustainability;
  - c. The type of facility;
  - d. Program and property management;
  - e. Target populations and occupancy plan;
  - f. Staffing and supervising;
  - g. Service capability and delivery;
  - h. Roles and responsibilities;
  - i. Program and house rules; and
  - j. The following certifications:
    - i. The project sponsor or a service provider will provide supportive services as required by 24 CFR §574.310(a);
    - ii. The project sponsor has analyzed and will periodically assess necessary supportive services and a statement of how the services will be funded;
    - iii. The project sponsor or service provider is qualified to provide the necessary supportive services.

### *Short-Term Supportive Housing (STSH) Services*

STSH provides temporary shelters to households that are homeless as a bridge to permanent housing, in facilities that do not provide shelter or housing to more than 50 individuals or families at any single time. STSH allows households an opportunity to develop individualized housing plans that guide their linkage to permanent housing. In providing STSH, project sponsors must work with households to create housing plans that address both short-term and long-term needs.

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Project sponsors must, to the maximum extent practicable, provide each household receiving STSH an opportunity for placement in permanent housing or housing appropriate to their assessed needs. Project sponsors should initiate assessments of each households' supportive housing needs, begin development of an individualized housing and service plan, and consider the use of PHP and rental assistance or other affordable housing programs as needed to promote stable housing results. STSH may not always lead directly to long-term housing stability and service outcomes may not easily fit into simple categories. While households may not achieve full housing stability, STSH may temporarily mitigate the effects of homelessness or reduce households' risk for near-term homelessness.

### Eligible Costs

Eligible STSH costs include program delivery costs and the costs associated with shelter that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;
  - d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;
  - j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;

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- l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes
- 2. Shelter costs, limited to:
  - a. Necessary minimum costs for temporary shelters, including post-incarceration re-entry facilities, recovery or respite facilities, sober or detoxification facilities, and other non-traditional housing arrangements on a nightly and/or bed-rate basis.
  - b. Necessary minimum costs of hotel or motel stays if no appropriate temporary shelter is available and a household has identified rental housing that is not immediately available for move-in.

#### Facility (Shelter) Operating Costs

If a project sponsor owns or leases single-site or scattered-site facilities and will provide STSH to households, STSH pays facility operating costs. Project sponsors may own or lease individual units or all or part of structures. The project sponsor provides residence to a household through an occupancy agreement. Project sponsors may, but are not required to, charge the household an occupancy charge and collect any household payments.

- 1. When a project sponsor owns a facility, operating costs include interior and exterior maintenance (for example, repairing and cleaning a unit when an assisted household vacates it), security measures, insurance, utilities for the facility and units, furnishings for the facility and units (that are expected to remain in the unit when an assisted household vacates it), salary and fringe benefits for facility staff (but not for staff delivering supportive services or for case managers), equipment, supplies, and project-specific operating costs. Maintenance costs are limited to protective or preventative measures to keep a facility, its systems, and its grounds in working order; or repair or replacement of appliances or objects that are not fixtures or part of the building.
- 2. When a project sponsor leases a facility, operating costs are generally limited to those that are not covered by the owner in the rental agreement. In this arrangement, the project sponsor is the tenant and pays the total monthly rent for the facility. The project sponsor provides residence to a household through an occupancy agreement.
  - a. Project sponsors may not use leasing funds for facilities owned by the project sponsor, their parent organization(s), any other related organization(s), or organizations that are members of a partnership where the partnership owns the structure without a HUD-authorized exception.

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### Ineligible Costs

Any cost not specifically identified as eligible is generally ineligible. STSH is not intended to provide long-term or continuous assistance in temporary shelters. STSH cannot pay:

1. Rental, mortgage, or utility debts and dues;
2. Late or reconnect fees;
3. Initial move-in costs to establish permanent residence in which continued occupancy is expected; or
4. Any cost that would be unnecessary for a household to access and occupy a temporary shelter, such as hotel room service.

### Housing Status

Households must be homeless. Homelessness must be documented by all household members age 18 or older.

### STSH Time Limits

STSH may not provide residence to any household for more than 60 days during any six-month period (i.e., temporary shelter payments may not be provided for costs accruing over a period of more than 60 nights in any six-month period). STSH providers are required to document the periods of time covered by temporary shelter costs to ensure that assistance is not provided in excess of the eligible STSH period.

The COT requires the time period begin on the date the STSH assistance is first provided. The eligible STSH period for a household would end six months after the first STSH benefit started accruing. At the end of this six-month period, the next eligible STSH period would begin for that household. For example, the eligible STSH period for a household that received STSH assistance for the full cost of a stay that began on November 9 would begin on November 9 and end on May 8.

The COT requires project sponsors use a 60-Night Check-In/Check-Out Methodology. This method is based on counting the actual nights for which temporary shelter payments are made on behalf of the STSH-assisted household. Nights are calculated based on the share of payments made by the HOPWA program. For example:

- A household checked into a motel on September 3<sup>rd</sup> and checked out on October 14<sup>th</sup>. The project sponsor paid the total cost of the stay, which is 41 nights of assistance.

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- A household checked into a motel on September 3<sup>rd</sup> and checked out on October 14<sup>th</sup>, which is 41 nights. The total cost was \$3,430.88 or \$83.68/night. The project sponsor paid \$3,075, which equals 37 nights (rounded up from 36.75).

### Household Contributions to Housing Costs

STSH does not require the household to pay a portion of their shelter costs; however, project sponsors may negotiate an appropriate household contribution amount based on the household's ability to pay. Household contributions reduce the time counted towards the time period, extending the amount of time assistance can be provided.

### *Transitional Supportive Housing (TSH) Services*

Transitional Supportive Housing (TSH) provides up to 24 cumulative months of facility-based rental assistance to households that are homeless or at risk of homelessness, including assistance for shared housing arrangements. TSH allows households an opportunity to prepare for permanent housing and develop individualized housing plans that guide their linkage to permanent housing. TSH affords interim service-enriched residential settings to households until they transition to TBRA or enroll in the Housing Choice Voucher Program (HCVP) or other affordable housing programs.

Unlike TBRA, the rental assistance subsidy is attached to a specific facility-based unit and is not otherwise portable or transferrable. TSH households that fail to apply for the HCVP and other affordable housing programs, renew applications as required, and/or accept assistance as offered may be terminated from the program. The COT may make exceptions to the 24-month term of assistance on a case-by-case basis.

### Eligible Costs

Eligible TSH costs include program delivery costs and housing assistance that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;



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- d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;
  - j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;
  - l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes
2. Housing Assistance Costs up to the maximum subsidy as defined in 24 CFR §574.320(a)(1), including:
- a. Rental costs paid directly to the property owner/landlord; and
  - b. Utility costs paid directly to the utility provider.

### Rent

Households must have a legal right to reside in the private unassisted unit and prove responsibility for paying the rent. Satisfactory evidence of tenancy includes a lease naming the eligible individual as the leaseholder or occupant. Generally, if the eligible individual is not named on a valid lease either as a tenant or an occupant, the individual has no legal right to reside in the unit and is therefore unqualified for TSH housing assistance services.

### Utilities

To receive utility assistance, a household member must have an account in their name with a utility company. If the household does not have utility accounts in their name, yet can demonstrate responsibility for utility payments, assistance can be provided. If the utility account is in someone else's name, a notarized statement from the individual on the utility account stating such responsibility or proof of consistent prior and current payments by the household are acceptable forms of documentation.

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### Project-Based Rental Assistance

TSH pays project-based rental assistance (PBRA) costs for units owned by a project sponsor. Project sponsors may own individual units or all or part of structures. The project sponsor provides residence to a household through a lease and collects monthly household rent payments and rental assistance subsidies. If a project sponsor collects PBRA subsidies, it cannot bill for facility operating costs.

### Master Leasing

TSH pays master-leasing costs for units leased by a project sponsor. Project sponsors may lease individual units or all or part of structures. In this arrangement, the project sponsor is the tenant and pays the total monthly rent for the facility (unit). The project sponsor provides residence to a household through a sublease and collects monthly household rent payments and rental assistance subsidies.

Project sponsors may not master lease facilities owned by the project sponsor, their parent organization(s), any other related organization(s), or organizations that are members of a partnership where the partnership owns the structure without a HUD-authorized exception. If a project sponsor collects master-leasing subsidies, it cannot bill for facility leasing costs.

### Operating Costs

1. When a project sponsor owns a facility, operating costs include interior and exterior maintenance (for example, repairing and cleaning a unit when an assisted household vacates it), security measures, insurance, utilities for the facility and units, furnishings for the facility and units (that are expected to remain in the unit when an assisted household vacates it), salary and fringe benefits for facility staff (but not for staff delivering supportive services or for case managers), equipment, supplies, and project-specific operating costs. Maintenance costs are limited to protective or preventative measures to keep a facility, its systems, and its grounds in working order; or repair or replacement of appliances or objects that are not fixtures or part of the building.
2. When a project sponsor leases a facility, operating costs are generally limited to those that are not covered by the owner in the rental agreement. In this arrangement, the project sponsor is the tenant and pays the total monthly rent for the facility. The project sponsor provides residence to a household through an occupancy agreement.
  - a. Project sponsors may not use leasing funds for facilities owned by the project sponsor, their parent organization(s), any other related organization(s), or

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organizations that are members of a partnership where the partnership owns the structure without a HUD-authorized exception.

### Ineligible Costs

Any cost not specifically identified as eligible is generally ineligible. TSH is not intended to provide long-term or continuous assistance in temporary shelters. TSH cannot pay:

1. Rental, mortgage, or utility debts and dues;
2. Late or reconnect fees; or
3. Initial move-in costs to establish permanent residence in which continued occupancy is expected.

### Housing Status

Households must be homeless or at risk of homelessness as defined by HUD. To receive TSH housing assistance services, households must present evidence of current or imminent tenancy in a TSH-assisted unit.

### Occupancy Standards

Project sponsors must determine the appropriate number of bedrooms based on household composition. The following requirements apply when determining the appropriate unit size:

1. Size must provide the smallest number of bedrooms needed for all members without overcrowding.
2. Size must be consistent with space requirements under the Housing Quality Standards.
3. Size must be applied consistently for all households of like size and composition.
4. A child who is temporarily away from the home because of placement in foster care is considered a member of the household in determining the size.
5. A pregnant woman will be treated as two people in determining the size.
6. Small children (less than 2 years of age) may share a one-bedroom with a single parent.
7. Live-in aides will be allocated a separate bedroom; no additional bedrooms will be provided for the live-in aide's family.
8. Two elderly or disabled household members may be given separate bedrooms.
9. Foster children will be included in determining unit size.
10. Single person households will be allocated a studio or one bedroom.

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To be counted as a bedroom, the room must meet Housing Quality Standards and provide a private area where household members may sleep. If the only method to enter one area is to pass through another room, then the space may be counted as a living/sleeping area, but will not be counted as a bedroom. The living room may be counted as a living/sleeping area, but not a bedroom. Kitchens and bathrooms may not be counted as living/sleeping areas or bedrooms.

When determining the unit size that a household qualifies for, project sponsors may grant an exception to the standards if the exception is justified by the age, sex, health, disability, or relationship of household members or other personal circumstances. Exceptions must be documented by project sponsors in the household's record. The COT HOPWA program follows the permissible unit sizes of the PHA.

<b>Voucher Size</b>	<b>Persons in Household (Minimum-Maximum)</b>
1 Bedroom	1-2
2 Bedrooms	3-4
3 Bedrooms	5-6
4 Bedrooms	7-8
5 Bedrooms	9-10

### Rent Standard and Rent Reasonableness

The gross rent (rent including utilities) of a HOPWA-assisted unit must be at or below the lower of the rent standard or the reasonable rent.

The rent standard may not exceed the HUD-published Fair Market Rent (FMR) or HUD-approved exception rent as published by the PHA for the voucher size allocated to the family. The rent standard includes both rent and utilities, or the gross rent. Utilities included in gross rent are electricity, fuel (e.g., natural gas, oil), water, sewer, and trash removal. Telephone, internet, and cable are not included. When determining whether a proposed unit is within the rent standard, project sponsors need to know the amount of several costs, including:

1. Rent being requested by the owner;
2. Basic utilities included in the rent to the owner; and
3. Basic utilities to be paid separately in addition to the rent paid to the owner.

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When choosing the applicable rent standard for a beneficiary household, project sponsors must refer to the Occupancy Standards to determine the number of bedrooms a household qualifies for, then select the corresponding rent standard. A household may occupy a unit that is smaller or larger than specified by the Occupancy Standards, but in such instances, project sponsors must use the rent standard for the lower of either the number of bedrooms allowed by the Occupancy Standards or the actual number of bedrooms in the proposed unit. For example, if a household qualifies for a one-bedroom unit, but occupies a two-bedroom unit, the project sponsor must use the rent standard for a one-bedroom unit. Similarly, if a household qualifies for a two-bedroom unit, but occupies a one-bedroom unit, the project sponsor must use the rent standard for a one-bedroom unit.

The gross rent must also be reasonable in relation to rents for comparable unassisted units in the private market and must not be in excess of rents charged by the owner for comparable unassisted units. Project sponsors should not assume that if the gross rent of an assisted unit is within the established rent standard that the rent being charged for the unit is reasonable. It is possible that a unit may be within the established rent standard, but not considered rent-reasonable. Project sponsors must document for each unit that a reasonable rent is being charged compared to other units in the private market and must verify, if applicable, that the rent charged for the unit is reasonable compared to the rent of other comparable unassisted units owned by the same owner. Proposed units must be compared with two similar units. Project sponsors should account for unit location, size, type, age, amenities, and utilities provided by the owners. Proposed unit should be compared to:

1. Units with similar bedrooms, bathrooms, and square feet.
2. Similar unit types (e.g., house, duplex, apartment, etc.).
3. Units with similar amenities (appliances, patios, etc.).
4. Units in the same neighborhood.

Project sponsors must review rent standards annually and adjust them if necessary to correspond with annual updates to FMRs or exception rents. When the rent standard changes, newly-leased units and units leased upon household recertification may not have rents that exceed the new standard.

### Calculating Monthly Household and Project sponsor Rent Payments

TSH pays the difference between the contracted rent to the owner and the household's calculated rent payment. Project sponsors make rental assistance payments directly to property owners and, in rare circumstances, to utility vendors in the form of a utility reimbursement. Households receiving TSH must pay as rent, including utilities, an amount which is the higher of:

4. 30 percent of the household's monthly *adjusted* income; or
5. 10 percent of the household's monthly *gross* income.

### Utility Allowances and Reimbursements

Households receiving TSH must receive a utility allowance if they pay a separate utility vendor in addition to rent and utilities paid to the owner. Households only receive an allowance for utility costs that are not paid by another source. Allowances are prorated in shared housing arrangements. Project sponsors must use the PHA utility allowance schedule for the lower of the approved voucher size or actual number of bedrooms in the unit.

When a household's allowance exceeds the household rent payment, the household's adjusted rent payment is \$0 and the difference is paid to the utility vendor in the form of a utility reimbursement. Project sponsors must notify the beneficiary of the amount paid to the utility vendor and maintain a record of the notification in the household's record.

### Rental Assistance in Shared Housing Arrangements

Shared housing arrangements, where two or more unrelated households live together and divide rental costs, are allowable under TBRA and TSH. Project sponsors must prorate rental assistance for the portion of the unit occupied by the enrolled household. The rent charged must relate to the size of the private space for that household in comparison to other private space in the shared unit, excluding common space. An assisted household may be assigned a pro rata portion based on the ratio derived by dividing the number of bedrooms in their private space by the number of bedrooms in the unit.

### Unit Qualification

To qualify for shared housing:

1. The entire unit must meet all Housing Quality Standards;
2. The unit must include (whether in the private or common space) a living room, sanitary facilities, and food preparation and refuse disposal facilities;

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3. The entire unit must provide adequate space and security for all of its households (whether assisted or unassisted);
4. The unit must contain private space for each household, plus common space for all households; and
5. The private space for each household must contain at least one bedroom for each two members.

A zero- or one-bedroom unit may not be used for shared housing. Additionally, an assisted person may not be related by blood or marriage to a resident owner, and project sponsors cannot provide housing assistance if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the household. Project sponsors may grant an exception to these regulations if they determine that approving the unit would provide a reasonable accommodation for a household member with disabilities.

#### Rent Standard

The rent standard for shared housing is the lower of:

1. The rent standard for the voucher size issued to the household; or
2. The rent standard for the size of the private space based on the number of bedrooms occupied by the assisted household proportionate to all bedrooms in the unit.

#### Rent Reasonableness

Rent reasonableness determinations are the same for shared housing as for housing that is not shared.

#### Tenant Lease Provisions for TBRA and TSH Services

Project sponsors must ensure that prospective leases for TBRA and TSH include and exclude certain provisions. Staff must review prospective leases to ensure they meet any additional requirements developed by the project sponsor. Households should not be directed to sign a lease until this review is complete. Generally, the lease should be for not less than one year and should allow for renewal after that period. However, project sponsors may approve a shorter initial lease if it would improve housing opportunities for a household and such shorter term is the prevailing local market practice.

Executed leases (i.e., signed and dated by all parties) must be maintained in each household's record. In shared housing arrangements where two or more unrelated households live together, project sponsors must obtain a written roommate agreement with a breakout of each

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household's share of the total rent to the owner. Additional detailed information may be found in the HOPWA Rental Assistance Guidebook at

<https://www.hudexchange.info/resource/2818/hopwa-rental-assistance-guidebook/>.

The following provisions must be included in the lease or added as a lease addendum:

1. Details about the rental amount, including tenant and rental program shares of the rent to be paid monthly;
2. List of utilities to be paid or provided by owner and those to be paid by tenant;
3. List of appliances to be provided by owner;
4. Explanation of owner's responsibility for maintenance and services;
5. Condition(s) necessary for eviction;
6. Prohibition against discrimination;
7. Amount of security deposit and who will pay it; and
8. Names of all occupants that will be living in the unit.

The following provisions must be excluded from the lease:

- *Agreement to be sued.* Agreement by the tenant to be sued, to admit guilt or to a judgment in favor of the owner in a lawsuit brought in connection with the lease
- *Treatment of property.* Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties (Note: This prohibition does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with state law.)
- *Excusing owner from responsibility.* Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent
- *Waiver of notice.* Agreement by the tenant that the owner may institute a lawsuit without notice to the tenant
- *Waiver of legal proceedings.* Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties



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- *Waiver of right to appeal court decision.* Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease
- *Tenant chargeable with cost of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant (Note: The tenant may be obligated to pay costs if the tenant loses.)
- *Payment of additional rent or fees to owner.* Agreement by the tenant to pay additional rent or fees to the owner out of pocket once occupancy takes place

The terms should allow the owner to terminate or not renew the lease only for the following reasons:

1. Serious or repeated violation of the terms and conditions of the lease;
2. Violations of applicable Federal, state, or local law; or
3. Other good cause.

#### FBHA Outcome Measures

To measure the effectiveness of FHBA services, Project sponsors must record household destination outcomes. Outcomes are recorded when a household is disenrolled from the program or continued to the next annual eligibility period as follows:

Household Destination	Outcome Reported
Continued to next year	Stable/permanent housing
Private housing	
Other HOPWA	
Other housing (permanent)	
Institution (residential, long-term care)	
Temporary housing	Temporarily stable/reduced risk
Emergency shelter/streets	Unstable arrangements
Jail/prison	
Disconnected/unknown	
Death	Life event

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Additionally, project sponsors must report the number of households whose TSH tenure exceeded 24 cumulative months.

### Permanent Housing Placement (PHP)

Permanent Housing Placement (PHP) may be used to help households access and establish permanent residence in which continued occupancy is expected. PHP can be used as a standalone service or in conjunction with other HOPWA or non-HOPWA housing assistance services. Project sponsors that wish to provide PHP should consider their current program funds, need for move-in assistance, and capacity to maintain accounting records for returned security and utility deposits, which is categorized as program income.

### Eligible Costs

Eligible PHP costs include program delivery costs and housing assistance that are included in the project sponsor or subrecipient written agreement, and allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Service delivery, such as personnel, travel, equipment and supplies that are necessary, reasonable, allowable, documented, and allocable to TBRA, including:
  - a. Assessing housing status and needs;
  - b. Collecting program eligibility documentation and qualifying households for services;
  - c. Performing initial eligibility certifications and annual and interim eligibility recertifications;
  - d. Referring to other housing assistance services if ineligible for the program or unqualified for services;
  - e. Maintaining program and beneficiary files;
  - f. Completing and distributing applicable VAWA materials;
  - g. Collecting supporting documentation and attaching it to program forms when required or applicable;
  - h. Traveling to proposed units to complete HQS inspections;
  - i. Communicating with owners and utility companies about program requirements;
  - j. Reviewing prospective leases to ensure that they include and exclude certain provisions;
  - k. Requesting, issuing, and documenting payments;

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- l. Documenting housing assistance and supportive service outcomes; and
  - m. Recordkeeping, logging time and effort, and maintaining case notes
- 2. Housing Assistance Costs, including:
  - a. Application fees charged by owners/representatives;
  - b. Administrative fees charged in lieu of or in addition to a security deposit and other initial move-in costs;
  - c. Related credit, rental, and criminal background checks;
  - d. Rental insurance (limited to a single payment for the first month of coverage or limited to a single initial payment for multiple months of coverage);
  - e. Utility deposits, hookup fees, and processing fees paid directly to the utility vendor;
  - f. First and/or last month's rent or prorated rent (when required for occupancy and no ongoing housing subsidy, whether via HOPWA or another program, is expected); and
  - g. Security deposits required for lease approval and occupancy.
  - h. Rental and utility arrears (including accumulated late fees, eviction costs, and related monetary penalties) if these debts present a barrier to obtaining permanent housing or establishing utility services in a new unit.

The total amount of PHP assistance provided to a household for the security deposit, first month's rent, last month's rent, and/or rental arrears (paid to the same owner) cannot exceed the value of two months' rent for the new unit. PHP assistance for non-rental costs, such as fees, inquiries, and insurance and PHP assistance for utility deposits, utility hookup fees, and utility arrears are not capped.

#### Ineligible Costs

While not an exhaustive list, the following costs are not eligible under PHP:

- 1. Costs for housing supplies, furniture, or appliances;
- 2. Smoke detectors (owners are responsible for providing and maintaining smoke detectors for renters;
- 3. Minor repairs to the unit associated with the move-in;
- 4. Moving costs;

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5. First and/or last month's rent or prorated rent when another ongoing housing subsidy will be provided;
6. Buying out of a current lease, even when doing so will result in a new permanent residence and/or avert a negative impact to the household's rental history; and
7. Other incidental costs for occupancy of the housing unit.

### Housing Status

Households can be housed or homeless. PHP can assist households find and move into more affordable, permanent housing arrangements if long-term housing stability is not expected in their current arrangements. Similarly, PHP can assist homeless households establish permanent residence in which continued occupancy is expected.

### Security and Utility Deposit Tracking

When a household vacates a unit, the security and/or utility deposit may be returned to the project sponsor. Project sponsors must maintain a record of all deposits and make a good faith effort to recover program funds upon the household's departure from a unit. Project sponsors must report returned deposits as program income.

### Housing Information Services (HIS)

Housing Information Services (HIS) include, but are not limited to, counseling, information, and referral services to assist households with locating, acquiring, financing, and maintaining housing. This may also include fair housing guidance for households that have encountered discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or disability. Housing counseling, as defined in 24 CFR §5.100 is not an eligible Housing Information Service.

### Eligible Costs

Generally, eligible costs include personnel, travel, equipment, supplies, and contracts for goods and services. Costs must be necessary, reasonable, allowable, documented, and allocable to HIS. HIS service delivery activities include costs that are allowable under the HOPWA regulations and Uniform Administrative Requirements for Federal Awards at 2 CFR 200:

1. Exploring households' housing status, barriers, and needs;
2. Searching for and referring households to available and appropriate housing or shelter;
3. Providing services that assist with locating, acquiring, financing, and maintaining housing;

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4. Advocating on behalf of households with housing barriers;
5. Delivering fair housing guidance and landlord/tenant mediation;
6. Hiring consultants or other contractors for specialized housing information services;
7. Navigating and linking households to housing assistance and supportive services continuums of care;
8. Responding to housing information inquiries from housing assistance and supportive services providers;
9. Organizing or collaborating with local resource fairs to provide housing information;
10. Holding housing information classes or presentations on the following topics:
  - a. Owner and tenant responsibilities,
  - b. Disclosure of rental, credit, and/or criminal history to owners,
  - c. Budgets and financial management,
  - d. Leases and contracts,
  - e. Fair housing and reasonable accommodations, and
  - f. Safety and sanitation.

#### Ineligible Costs

In general, ineligible costs are those not specifically identified as eligible, and:

1. General psychosocial, medical, or housing case management activities;
2. Housing assistance services;
3. Credit, rental history, and background checks;
4. Housing Quality Standards inspections;
5. Developing individualized housing plans and budgets; and
6. Implementing and maintaining housing plans with regular updates.

While there is overlap between HIS and other activities, HIS is brief, limited in scope, and requires little to no follow-up on household goals and tasks. Project sponsors that wish to provide HIS must clearly differentiate the functions of HIS, HCM, and PHP to ensure the accurate and correct accounting of all respective activity costs and to reduce potential role confusion and conflicts.

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### Housing Status

Households can be housed or homeless and are not required to be low-income, yet must have at least one household member living with HIV.

### Output Measures

Project sponsors must develop policies and/or procedures and program forms and/or tools unique to their HIS design and that, at a minimum, document:

1. The number of households participating;
2. Documentation of HIV seropositivity for at least one household member from each beneficiary household (which may be a confidential and anonymous verbal or written self-declaration);
3. Consent for services and/or consent to release and/or obtain confidential information as necessary; and
4. The purpose and content of the service transaction.

### Program Design

Project sponsors that wish to provide HIS must collaborate with the COT to develop a comprehensive proposal and service delivery model. Proposals must, at a minimum, describe:

1. The purpose of the service;
2. Types of housing information services the project sponsor will provide;
3. How the project sponsor will collect proof of HIV seropositivity;
4. The types of additional documentation the project sponsor will require (if any) to improve the utility or efficacy of the service;
5. Whether services will be generalized and/or individualized;
6. Affirmative outreach and marketing;
7. Recordkeeping;
8. Budget; and
9. Evaluation mechanism, including how whether the service met its intended objectives; and how service outputs and outcomes will be measured.

## **Resource Identification (RI)**

Resource Identification (24 CFR §574.300) encompasses activities that establish, coordinate, and develop housing assistance resources for eligible households (including preliminary research and expenditures necessary to determine the feasibility of specific housing-related initiatives).

Resource Identification is broad and flexible. Activities under this category are focused on establishing, coordinating, and developing housing assistance resources for eligible households, not individual household placement or services. As such, Resource Identification activities do not constitute direct services and cannot otherwise be converted into units of service. Resource Identification activities include, but are not limited to:

1. Housing Resource Development:
  - a. Outreach and relationship-building with housing owners;
  - b. Identifying and tracking housing resources and vacancies;
  - c. Developing an inventory of current housing assistance and supportive services available to HOPWA-eligible households;
  - d. Leveraging mainstream housing for HOPWA-eligible households;
  - e. Establishing and/or maintaining housing information websites; and
  - f. Creating housing information brochures and other distributable materials.
2. Housing Research and Needs Assessment:
  - a. Collecting and/or analyzing local HIV housing-related quantitative and/or qualitative data;
  - b. Funding beneficiary housing surveys or partnering on Ryan White needs assessment surveys;
  - c. Conducting housing market studies;
  - d. Facilitating beneficiary focus groups on housing and collecting and/or analyzing qualitative data;
  - e. Conducting voluntary consumer satisfaction surveys for housing assistance and supportive services;
  - f. Hiring consultants or other contractors to perform HIV housing needs assessments;

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- g. Illustrating overall engagement in care by eligible individuals and households receiving housing assistance services;
  - h. Benchmarking against national- and community-level HIV housing and care continuums;
  - i. Identifying successes and gaps in care experienced by assisted households;
  - j. Evaluating housing programs and service outcomes; and
  - k. Offering reasonable stipends or other incentives to HOPWA-eligible individuals and households who participate in research or assessments.
- 3. Housing Systems Coordination:
  - a. Creating and/or leading collaborative efforts (e.g., housing and healthcare);
  - b. Coordinating housing assistance and supportive services efforts across providers;
  - c. Implementing system and/or service enhancements to improve health outcomes;
  - d. Aligning housing systems with national initiatives;
  - e. Interfacing with Public Housing Agencies:
  - f. Informing policy-makers about program development;
  - g. Building and/or maintaining a housing care continuum;
  - h. Holding periodic collaborative housing and healthcare service provider meetings; and
  - i. Participating in Continuum of Care and other planning bodies.
- 4. Attending HUD-approved HOPWA-related trainings, including certain conferences, meetings, or training institutes authorized by HUD.

[Eligible Costs](#)

Eligible RI costs generally include personnel, travel, equipment, supplies, and contracts for goods and services that are reasonable, allowable, documented, and allocable to Resource Identification. Resource Identification may be used for costs related to:

- 1. Housing resource development;
- 2. Housing research and needs assessment;
- 3. Housing systems coordination; and
- 4. HUD-approved HOPWA-related training.



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### Resource Identification Proposal

Project sponsors that wish to undertake Resource Identification activities must submit a comprehensive project proposal with clear work products and deliverables. The project proposal must maintain a housing focus and, at a minimum must include:

1. A description of why the project is necessary;
2. A work plan and timeline with specific project activities;
3. An implementation strategy and/or methodology;
4. A budget with anticipated project costs; and
5. A statement on the intended impact of the project for HOPWA-eligible individuals and households.

### Termination of HOPWA Assistance

HOPWA beneficiaries may be voluntarily or involuntarily terminated from HOPWA assistance. 24 CFR §574.310(2) “violation of requirements” allows for termination when an individual or household violates program requirements or conditions of occupancy.

Project sponsors must target supportive services to help reduce the likelihood of program termination until a household is stably housed and receiving necessary health services. When terminating assistance to any household for violation of requirements, project sponsors must provide a formal process that recognizes the rights of households receiving assistance to due process of law. This must consist of:

1. Serving the household with a written notice containing a clear statement of the reasons for termination;
2. Permitting the household to have a review of the decision, in which the beneficiary is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel, before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
3. Providing prompt written notification of the final decision to the household.

### Grace Period for Surviving or Remaining Household Members

Project sponsors must provide surviving and remaining household members a reasonable grace period to establish eligibility for the HOPWA Program, establish eligibility for another housing program, or find alternative housing when a lease is bifurcated or an eligible individual dies, is

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incarcerated for longer than 180 days, or enters hospice or long-term health care facility. When such an event occurs, project sponsors must, per 24 CFR §574.310(e):

1. Notify the survivor and remaining household members of the duration of the grace period;
2. Provide housing assistance and supportive services to the survivor and remaining household members;
3. Offer survivors and remaining household members information on other available housing programs; and
4. At the project sponsor's discretion, provide PHP to assist with moving expenses.

Project sponsors must also perform an interim recertification to document the change in household composition.

### TBRA and/or TSH Services

The minimum grace period for households receiving TBRA or TSH must be one month of assistance from the end of the month in which the event occurred. The maximum grace period cannot exceed 12 months.

When a VAWA lease bifurcation occurs and the accused perpetrator is the eligible individual and the survivor is a remaining beneficiary, project sponsors must provide the survivor and remaining beneficiaries a minimum of 90 calendar days and a maximum of 12 months from the date of lease bifurcation to establish eligibility for the HOPWA Program, establish eligibility for another housing program, or find alternative housing.

### STRMU and/or STSH Services

The minimum grace period for households receiving STRMU or STSH must be one month of assistance from the end of the month in which the event occurred. The maximum grace period may not exceed the 147-day cap for STRMU services or the 60-night cap for STSH.

### Supportive Services

Supportive Services, specifically Housing Case Management, must be offered to surviving and remaining household members. Housing case management plans for surviving and remaining household members must detail the terms of the grace period with a goal of transitioning household members off the program. If household members express a need for continued housing assistance and/or supportive services, tasks should focus on referral to other programs that offer housing assistance and/or supportive services.

## **HOPWA Recordkeeping**

Project sponsors must document what they are paying for, who they are paying, and maintain a record of all payments made in the household's record. To accomplish this, project sponsors must obtain copies of leases, mortgages, utility bills, and/or ledgers for which housing assistance is provided. Project sponsors must obtain new leases as old ones expire. The documentation must be current, predate service dates, and correspond with related service forms and check request vouchers.

If a household requested VAWA protections from a project sponsor and the project sponsor requested documentation of survivor status, the project sponsor must maintain a record of the written request for survivor status in the household's record. If the survivor provided documentation of survivor status, the project sponsor must maintain a record of the documentation. If the survivor requested an emergency transfer, the project sponsor must maintain a record of the request.

In addition to records maintained to support Homeless Management Information System (HMIS), project sponsors must, at a minimum, maintain the following documentation for each project administered by the project sponsor.

- ☐ Policies and procedures for:
  - Anti-discrimination and affirmative outreach;
  - Confidentiality;
  - Grievances;
  - Rent standard increases;
  - Requiring pursuit of permanent affordable housing opportunities;
  - Program, housing, and service eligibility criteria beyond basic regulatory requirements;
  - Service caps for STRMU, STSH, and other services;
  - Survivor grace periods;
  - Termination of assistance; and
  - Waiting list procedures for TBRA, STRMU, and FBHA.
- ☐ The organization and/or program audit in which the project is included;
- ☐ Receipts and other supporting documentation for administrative and project expenses;

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- ☐ Documentation regarding staff project delivery costs, including timesheets and payroll records;
- ☐ General ledgers;
- ☐ Documentation of analysis of cost allocation, allowability, and reasonableness;
- ☐ Procurement records, including:
  - Documentation selected contractors are not excluded, disqualified or otherwise ineligible;
  - Rationale for the method of procurement used;
  - Basis for selection; and
  - Appropriate bonds and insurance are in place;
- ☐ Subcontractor oversight documentation;
- ☐ An inventory of property, equipment, and other fixed assets purchased, improved or leased with HOPWA funds;
- ☐ For facility-based projects:
  - Purchase contract.
  - Closing documents.
  - Settlement statement and title work for acquisitions.
  - Architectural, engineering and other professional services contracts.
  - Construction contracts.
  - Completed designs, plans, and specifications for rehabilitation and new construction activities.
  - Invoices, pay requests, contracts, purchase orders and other source documentation, and proof of payment for all project expenditures.
  - Fidelity and other bond coverage certificates.
  - Copies of any litigation, claim, audit, monitoring or inspection related to the HOPWA facility or funding.
  - Project audit, if applicable.
  - Proof of insurance.
  - Annual rent schedule.
  - Annual utility schedule.

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- Tracking of minimum use period;
  - Documentation of residential supervision to ensure housing and service standards are met;
  - Habitability inspection results; and
  - Agreements with service providers in facility-based housing, if applicable;
- For supportive services:
- Tracking sheets by supportive service category delivered;
  - Documentation of efforts to secure funds for supportive services and health services costs.

In addition to program/project records, the following records must be maintained for individuals and households assisted with HOPWA funds.

- For all eligible individuals or households assisted with HOPWA funds:
- Completed intake/assessment form (including beneficiary data reported to COT);
  - Signed Authorization to Release and Obtain Information, and annual updates
  - HIV verification (only at intake);
  - Household income calculation, including verification, supporting documents, verification of no income (if applicable), and annual updates;
  - Date of first contact;
  - Date(s) information entered into HMIS;
  - Date assistance started;
  - Type of assistance;
  - Housing case management plan and annual updates;
  - Program service agreement;
  - Grievances filed, including follow-up and outcomes;
  - Grievance and termination policy, signed as received;
  - Termination form, if applicable;
  - Case notes; and
  - Outcomes.
- For TBRA beneficiaries:

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- Adjusted income and rent calculation;
  - Fair Market Rent (FMR), Utility Allowance Charts, and annual updates;
  - Landlord lease / rental agreement;
  - Program service agreement;
  - Housing quality standards inspection results;
  - Lead-based Paint Acknowledgement, if housing assistance includes children under 6 years old or pregnant women;
  - Utility reimbursements, if applicable;
  - Rent reasonableness review; and
  - IRS landlord reporting.
- For STRMU beneficiaries:
- Documentation of need;
  - 147-day tracking documentation;
  - Security deposits paid and returned;
  - Documentation of expenses;
  - Habitability inspection and annual updates; and
  - Lead-based Paint Acknowledgement, if housing assistance includes children under 6 years old or pregnant women.
- For facility-based projects:
- Rent calculation and fees;
  - Housing case management plans;
  - Fair Market Rent (FMR), Utility Allowance Charts, and annual updates;
  - Habitability inspection and annual updates; and
  - Lead-based Paint Acknowledgement, if housing assistance includes children under 6 years old or pregnant women.
- For supportive services:
- Supportive services plan and periodic updates;
  - Tracking of services;
  - Documentation of other sources of supportive services funds pursued and secured;

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- Documentation of compliance with health care limitations; and
- Expense Verification form and supporting documents (copies of bills for childcare, medical expenses, telephone and utility charges).

### Program Reporting Requirements

Project sponsors must submit a quarterly performance report based on their written agreement. Written agreements generally require a quarterly report for each awarded activity. Performance report must include data and information from any subrecipients, including:

1. Demographic Data: Race, Ethnicity, Age, Sexual Orientation, Gender Identity, Income, and other Factors;
2. Performance Measurement: As submitted by the organization in their application for funding;
3. Program Impact Narrative/Photo: photo and narrative demonstrating the project's impact, including actual depictions of the project and its impact (and not including any image that might violate a beneficiary's right to confidentiality).
4. Any additional reporting requirements that may be developed during the performance period as needed to comply with the directives of Mayor and Council.

Reports are necessary to produce report expenditures, and prepare the Consolidated Annual Performance and Evaluation Report (CAPER). The COT submits the CAPER to HUD annually. The CAPER-reporting period is the COT Fiscal Year which begins on July 1<sup>st</sup> and ends on June 30<sup>th</sup>.

Each request for reimbursement must include supporting documentation for each eligible activity included in the written agreement. Project sponsors must ensure that activity delivery costs are appropriately allocated to each eligible activity and not exclusively to supportive services or administration.

### Project sponsor Monitoring

Contract monitoring is the systematic review of a project sponsor's and any contractor's records, business processes, deliverables, and activities to ensure compliance with the terms and conditions of the contract. Project sponsor contract monitoring is conducted using a standardized program monitoring tool and based on an organization and program risk assessment. Monitoring examines project sponsor policies and procedures, program management, and household records for completeness and accuracy. A copy of the tool can be found on the shared drive.

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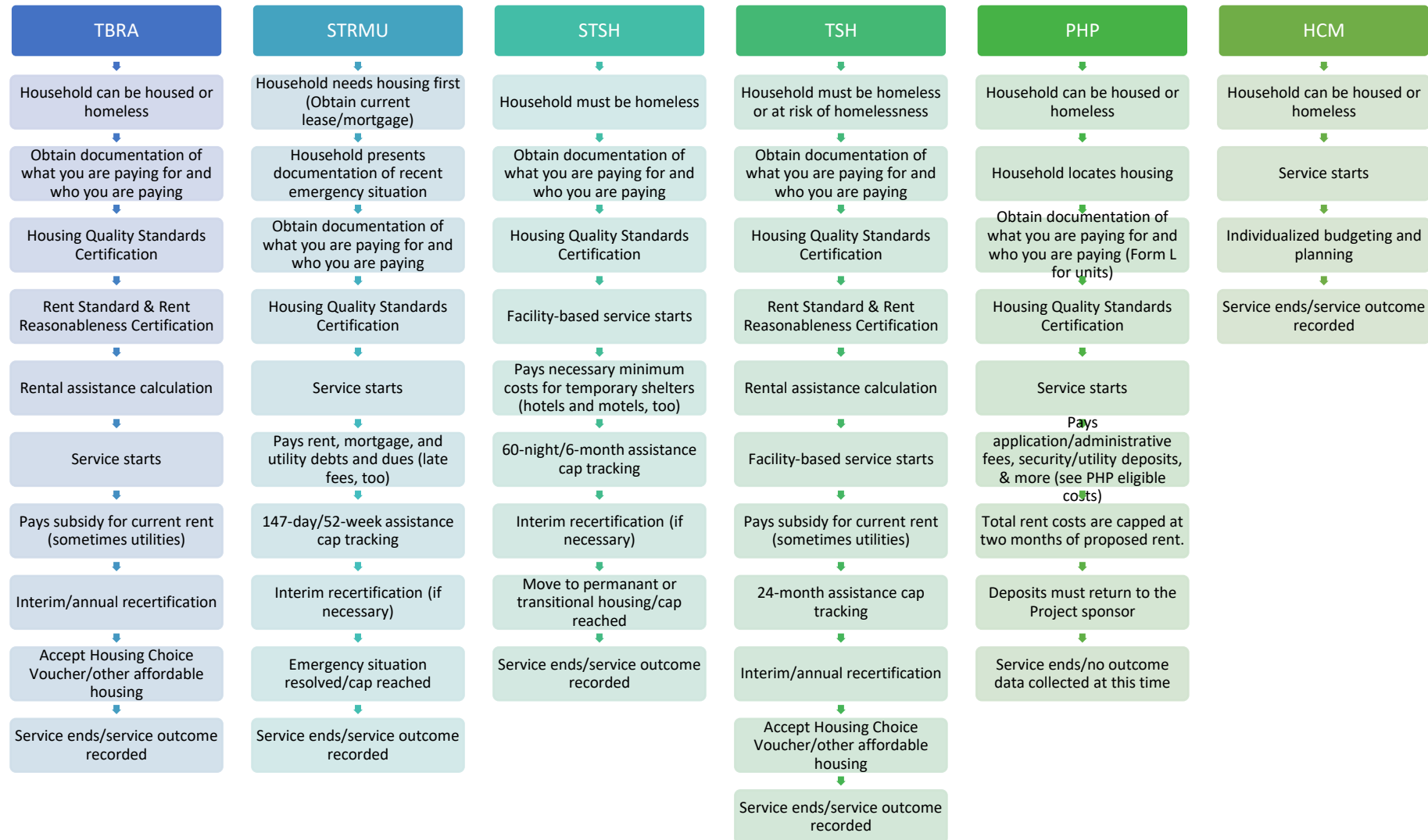
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Contract monitoring may consist of desk and/or on-site monitoring. When reviewing records on-site, the reviewer will pull a random sample from the program year being monitored. The random sample will include not less than 20% or one of five unduplicated households that received HOPWA services during the review period. The reviewer will examine all components in each household record as opposed to components specific to a given service category. For example, if a household received TBRA, STRMU, and Supportive Services, the reviewer would examine all components for each of these service categories in addition to basic program eligibility criteria.



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## Appendix 1 – Eligible Activity Flowchart



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## Appendix 2 – Eligible Activities and Costs

Program Activities and Eligible Costs	TBRA	STRMU	STSH	TSH	PHP	HCM	HIS
<b>Rent payments for households with a lease</b>	Unit must meet HQS, rent standard and reasonableness Assistance amount is based on household income. Assistance is tenant-based and does not have a time cap.	Within 21-week limit. Assistance amount is based on household need and subject to negotiation.	No	Unit must meet HQS, rent standard and reasonableness Assistance amount is based on household income. Assistance is facility-based and capped at 24 cumulative months.	No	No	No
<b>Mortgage payments (but not down-payment support for new units)</b>	No	21-week limit for costs within the mortgage agreement. Assistance amount based on household need and subject to negotiation.	No	No	No	No	Can provide information on available programs.
<b>First/last month's rent; credit checks; utility deposits, hookup fees, and processing costs; security deposits</b>	First and/or last month's rent, but not utility deposits, hookup fees, and processing costs; or security deposits.	No	No	First and/or last month's rent, but not utility deposits, hookup fees, and processing costs; or security deposits.	Total rent payment (security deposit + first and/or last month's rent + rental arrears) capped at two month's rent.	No	No
<b>Utility payments (gas, electric, water and sewer)</b>	Utility reimbursement if part of rental payment.	21-week limit. Assistance amount based on household need and subject to negotiation.	No	Utility reimbursement if part of rental payment.	Utility deposits, hookup fees, and processing costs only.	No	No
<b>Information and/or support to locate and</b>	No	No	No	No	Support to complete housing applications	Counseling to develop a housing service plan	Materials that inform households of

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Program Activities and Eligible Costs	TBRA	STRMU	STSH	TSH	PHP	HCM	HIS
apply for housing assistance					and eligibility screenings for tenancy or utilities.	to establish stable permanent housing.	available housing and housing assistance programs.
Move-in support, such as supplies, furnishings, incidental costs, and minor repairs of housing units	No	No	Allowable as a facility-based operating cost. Supplies, durable furnishings, and maintenance.	Allowable as a facility-based operating cost. Supplies, durable furnishings, and maintenance.	Programs may coordinate with leveraged resources and donations for these purposes.	No	No
Other elements	No	Late fees and other penalties if, in the event of nonpayment, the household would be at risk of eviction or loss of housing.	Necessary minimum costs for temporary shelter, including hotels/motels, if within 60-day limit.	No	Application and administrative fees, rental insurance, rental and utility arrears or other past expenses. Tenant counseling, reviewing leases with households, and mediation of disputes with owners at the time of placing the household into the unit.	Help to access other benefits, such as health-care and other supportive services.	Searching for and referring households to housing assistance and supportive services. Assisting with locating, acquiring, financing, and maintaining housing. Delivering housing counseling, guidance, and mediation. Holding housing information classes or presentations.