

SARASOTA/MANATEE HOPWA PROGRAM GUIDELINES

SECTION 1: GENERAL INFORMATION

1.1. Introduction

This document contains the program guidelines for the City of Sarasota's Housing Opportunities for Persons with AIDS (HOPWA) grant. These guidelines include requirements and procedures for client eligibility; eligible services and activities; and other requirements necessary for compliance and continued funding from the Department of Housing and Urban Development (HUD). This document was prepared and coordinated by the Sarasota Office of Housing & Community Development (OHCD) and The Health Planning Council of Southwest Florida (HPC) to assist local HOPWA case management agencies, OHCD staff and other parties who are responsible for the implementation of the day-to-day activities of the program. These individuals and agencies and others have participated in the development and revisions of previous draft documents and every effort has been made to address and incorporate previous decisions rendered relating to area-wide issues into these guidelines.

1.2. Authority and Regulations

The HOPWA Program Guidelines are written in conjunction with the federal regulations as authorized by the AIDS Housing Opportunity Act (AHOA) and amended by the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992). The regulations of the program are governed by 24 CFR Part 574, (refer to References/Information Section I) as amended, Housing Opportunities for Persons With AIDS Final Rule, published in the Federal Register on April 11, 1994 and 24 CFR Part 91, as amended, Consolidated Submissions for Community Planning and Development Programs.

As an Eligible Metropolitan Area (EMA), Sarasota and Manatee Counties are the recipients of a non-competitive (formula) grant and received its first Sarasota/Manatee HOPWA grant award in 2004. The Office of Housing & Community Development (OHCD) administers the HOPWA Program as the designated office within the department, which has the lead responsibility for the management of the HOPWA program. The OHCD contracts with HPC as the lead agency organization (or "Project Sponsor") to provide HOPWA services in Sarasota and Manatee counties. HPC subcontracts with case management agencies to outreach and determine eligibility and develop requests for assistance.

1.3. HOPWA Program Overview

The HOPWA Program is funded through a grant from the Department of Housing and Urban Development (HUD) to provide cities with resources and incentives for meeting the emergency and temporary, short-term housing needs of persons with HIV and AIDS. The HOPWA Program focuses on maintaining individuals in their own homes, or if already homeless, shifting persons back to a more permanent living situation. The HOPWA Program serves two (2) of Florida's 67 counties and provides temporary housing assistance to eligible individuals. These services include:

- Short-Term Supported Housing Facilities Payments
- Short-Term Rent/ Mortgage Payments

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- Short-Term Utility Payments
- Case Management Services Associated with Housing

All of the HOPWA Program services for eligible individuals with documented HIV disease and their families are listed in this document. Examples of services not approved by the HOPWA Program include but are not limited to payments that exceed the required time limits or actual costs; cash payments of any kind; and property taxes that are not included in mortgage payments. Funding received from the HOPWA grant may not be used to replace any other funds or services available from other state, federal or local government funding and other available housing resources must be accessed first, prior to accessing assistance under the HOPWA Program. The program emphasizes the connection between short-term housing assistance and appropriate supportive services available through other funding sources such as Ryan White Title II, other housing programs, and state general revenue. Additional information is provided from the Health Resources and Services Administration (HRSA) on the use of Ryan White CARE Act funds for housing referral services and short-term or emergency housing needs. (Refer to the HAB Policy Notice 99-02, References/Information Section M.)

1.4. Ryan White Title II Consortia

Federal and state guidelines require that HOPWA activities be administered in conjunction with Ryan White Title II Consortia, to promote maximum coordination between various funding sources of HIV services. The HOPWA Program works in cooperation with the local Ryan White Title II Consortia serving both Sarasota and Manatee counties. A joint housing consortia to provide guidance and consumer input for the two county EMA will be implemented under the direction of the OHCD.

1.5. Allocation/Distribution of Funds

Distribution of funds for the HOPWA Program is based on a formula allocation methodology using disease surveillance data. Funding is allocated to the OHCD and contracted to the HPC. The HPC subcontracts with two (2) local service providers for case management services. All HOPWA clients receive housing case management services. Allocation of direct assistance (rent, mortgage, utilities, etc.) is determined based on prior utilization and number of clients estimated to be served.

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SECTION 2: CASE MANAGEMENT SERVICES

HOPWA case management is a client-centered service that links eligible individuals with emergency, short-termed housing assistance. The HPC contracts with two (2) agencies to provide housing case management services to all HOPWA program clients. HOPWA case managers are responsible for determining client eligibility for the program, assisting with the application process, documenting and verifying that all requirements for eligibility in the program are met, developing a Housing Plan of Care and maintaining up-to-date, accurate client files. Clients are not charged any fees for case management services.

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SECTION 3: CLIENT ELIGIBILITY AND DOCUMENTATION REQUIREMENTS

Eligible persons are enrolled in the HOPWA Program by qualified case managers who are responsible for case management directly associated with housing services. Case managers are responsible for coordinating and facilitating the client's eligibility determination for enrollment in the HOPWA Program. This includes a number of case management activities as described in the State of Florida Case Management Manual.

3.1. Application Process

The application process for the HOPWA program may vary between case management agencies; however there are minimum requirements which must be completed to ensure a successful eligibility determination. The local case management agencies may require additional information. The case manager will assist the applicant in completing the HOPWA application process. The following list of forms to be used to complete the application process depending on the applicant's circumstances and eligibility status for the HOPWA Program:

- Housing Opportunities Program Checklist
- Client Needs Assessment for HOPWA Assistance
- HOPWA Client Ranking System
- Housing Opportunities Program Consent to Release Information
- HOPWA Participation Agreement
- HOPWA Participant Rights and Responsibilities
- HOPWA Application Form for Housing Assistance

The case manager should refer to the References/Information Section of these guidelines for additional information on Income Limits, Annual Income/Allowances and Adjusted Income/Allowances. (Refer to References/Information Section A., B., and C.). Time frames for determining eligibility for HOPWA assistance should be explained to the applicant during the application process. If an applicant's eligibility determination is pending receipt of specific requested information by the case manager, the information requested and the source of authority should be cited in writing to the client. It is the responsibility of the applicant to return the requested information immediately to ensure a timely response for enrollment into the program.

3.2. Eligibility Determination, Minimum Requirements

The case manager determines an applicant's eligibility for the HOPWA Program. An eligible person for the HOPWA Program is a person with HIV/AIDS (and the person's family) who meets the following eligibility requirements:

- Be enrolled through a case manager,
- Have an HIV positive antibody test as stated in Section 3.3.,
- Have a documented income that does not exceed 80% of the median income for the area as referenced in Section 3.4., and
- Have a documented HIV-related need for housing assistance as referenced in Section 3.5.

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When determining eligibility the following definitions are used:

- "FAMILY" means a household comprised of two or more related persons. The term FAMILY also includes:
 - One or more eligible persons living with another person or persons who are determined to be important to their care or well-being and the surviving member or members of any family described in this definition.
 - Surviving member or members of any family who were living in a housing unit assisted under the HOPWA Program with the person with AIDS at the time of his or her death.
 - A person who is not a relative by blood or marriage (e.g., roommate) can be considered a "FAMILY" member if they are important to the "care or well-being" of the person with HIV/AIDS. This is not the same as a live-in aide, who is a person compensated for providing care to the person with HIV/AIDS.

A roommate cannot change the status to a "family" member after the death of a HOPWA client in order to receive survivor benefits. (Refer to Section 5-1 for additional information on survivor benefits.)

3.3. Documentation of HIV Positive Antibody Test

An applicant must have a documented HIV Positive Antibody in order to be eligible for the HOPWA Program. A laboratory test documenting HIV infection is required. The following are acceptable forms of documentation:

- A positive HIV antibody test result (e.g. Elisa (EIA & Western Blot) by blood or OraSure
- Direct viral tests such as PCR or P24 antigen
- Viral culture results
- Detectable viral load and viral resistance tests

Current laboratory documentation, specifically CD4+ and viral load tests, must also be provided whether the physician is public or private. A current lab report for CD4+ must be less than six (6) months old. Viral load levels must be less than four months old. The Classification of HIV Disease Status form (Attachment 9) may be used for this purpose.

3.4. Documentation/Verification of Income

The eligible person/family must meet the federal low-income guidelines. Low-income is defined as income that does not exceed 80% of the median family income for the area, as adjusted for the number of persons in the household. (Refer to Income Limits for the Public Housing and Section 8 Programs, References/Information Section A.) Very low income is defined as 50% of the median family income for the area.

To determine income eligibility, the applicant must report all sources of income and the amount received per month. Appropriate documentation includes copies of checks, bank statements, written statement signed by the client's employer, public assistance award or denial letters and other statements of support and certifications of sources of income. If the applicant is a family as defined in this section, the income of all adult (18 and over) family members, unless otherwise specified in the income/allowances guidelines, must be included when assessing income eligibility.

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Assistance will be pro-rated when a family member refuses to provide documentation of their contribution to the household income.

In summary, sources of income and documentation include the following, depending on the individual/applicant's circumstances. Sources of income may include: Social Security Income, AFDC, child support, employment, unemployment compensation, etc. Back-up documentation may include: pay check stubs, certified letter from Social Security, statement of no income signed by the client, etc.

No Documentation: In cases where no documentation of income is available, the case manager shall document their inquiry and efforts to obtain income information. A signed self-declaration statement is sufficient. The decision to provide assistance to prevent homelessness may, in this case, depend upon a subjective decision with specific notes for the file showing efforts made to acquire information and why the decision was made to support the client. (Refer to Verification of No Income, Attachment 10.)

Household income must be documented. Documentation of all household income and compliance with HUD household income requirements includes but are not limited to: Wages, SSI/SSD/SDI, and AFDC.

Appropriate documentation for family members is similar to the person and may include copies of checks, bank statements, written statement signed by the client's employer, public assistance award or denial letters and other statements of support and certifications of sources of income. If the applicant is a FAMILY as defined in this section, the income of all adult(s) (18 and over) family members, unless otherwise specified in the income/allowances guidelines, must be included when assessing income eligibility. Assistance will be pro-rated when a family member refuses to provide documentation of their contribution to the household income.

Income of an elderly parent and adult child. The income of an elderly parent and adult child must be included to establish eligibility. There is an income deduction for persons age 62 and over. (Refer to Adjusted Income Allowances, References/Information Section C.)

Income of roommate(s). The initial application should declare whether others in the household are roommates or whether they are FAMILY. Once declared, this can only be changed when a roommate becomes a spouse. If declared a FAMILY, all income of adult members must be considered in determining income eligibility. If the applicant is an individual with roommates, only the client's income is counted when assessing income eligibility and housing assistance must be pro-rated among roommates.

Annual income is the anticipated total income from all sources received by the FAMILY /household, including all net income derived from assets for the 12-month period following the effective date of certification of income.

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When determining the client's ability to pay for and maintain housing, all income should be considered including the client's income derived from assets. The client may be required to use assets in that HOPWA assistance should be the last resort.

Food stamps are not considered income under the HOPWA Program.

3.5. Documentation and Verification of HIV-Related Need

In addition to the eligibility requirements described in Sections 3.2. through 3.4., the HIV-related need must be established and documented. HIV-related need means the client must have an HIV condition that has a negative impact on their income and expenses to the extent that they cannot currently afford housing. The housing need must be directly related to the client's HIV infection. The HOPWA Program is a need and eligibility based program. A client's HIV+ status alone is not the sole criteria in determining the client's eligibility for assistance.

Examples of HIV-related need

The applicant is unable to pay rent, mortgage, utilities, etc., due to their HIV status at the time assistance is requested; such as

- (1) The client is unable to work due to hospitalization and, therefore, received significantly less pay and unable to cover expenses.
- (2) The client had to purchase unexpected costly HIV medications out of pocket.
- (3) The client was not hospitalized but too ill to work according to a physician's statement, and the client did not have a salaried position where sick and annual leave are accrued.
- (4) The applicant is requesting assistance in an effort to move to more affordable housing to better accommodate their diminished income which has decreased because of their HIV status. For instance, the client is forced to work fewer hours due to fatigue/illness and is only receiving Social Security Income.
- (5) The applicant left employment and is in the application period for disability benefits.
- (6) The applicant had unexpected, unbudgeted medical expenses that must be paid.

Examples of Non HIV-related need:

The following are examples of what is NOT considered HIV-related need. The applicant used their limited income to do the following:

- Make vehicle payments and frequent repairs
- Cover costs of maintaining pets
- Make excessive long distance telephone calls
- Purchase Christmas presents
- Purchase illegal drugs and alcohol

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- Purchase frivolous items
- Pay traffic citations, court or probation costs, etc.

Other examples of non-HIV-related need include

- The applicant had their wallet stolen.
- The applicant had fines/probation/restitution fees to pay.
- The applicant purchased excessive gifts.

Documentation/Verification of Need

Appropriate verification of the need for housing depends on the applicant's/client's circumstances but may include the following:

- Monthly mortgage statements
- Lease/rental agreements
- Certified letters from landlords or overdue notices
- Utility statements or overdue notices
- Original copy of utility bill (Verification of Utility Bills for HOPWA Assistance Form, Attachment 11)
- Phone bills or overdue notices
- Bills/written estimates documenting housing-related expenses
- Any additional documentation requested by the case manager to support the request for assistance
- Security Deposit/Landlord Mortgage Agreement and Letter signed and returned from the Landlord/Mortgage Holder.

All of the above documents will be included in the client's file, including the Housing Plan of Care once eligibility has been established.

3.6. Development of the Housing Plan of Care

Once all of the activities referenced in Sections 3.1. through 3.5. have been completed, the case manager will develop the client's individualized Housing Plan of Care. The Housing Plan of Care is a written assessment with the primary goal of assisting the client to achieve independence from HOPWA and live within their financial means. The plan of care is developed by the case manager and the client together to determine the need for housing assistance, the type of housing assistance, and what will happen at the end of the HOPWA time-limited assistance being provided. (Refer to Section 4 to determine the type of housing assistance needed.)

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During the development of the Housing Plan of Care, alternatives to HOPWA services should be explored and include but are not limited to the following:

- Exploring housing options with family members
- Exploring locations close to family members for increased family support
- Seeking public housing or other public assistance housing programs
- Relocating the client to a community which has affordable and available housing

In addition, the Housing Plan of Care will address the following financial aspects:

- Assisting the client to plan and budget their finances
- Accessing additional income sources and social services
- A timetable for completing various disability applications, participating in the telephone interview, gathering all medical records, and a contingency plan in the event the disability application is denied
- A coaching session on how to go to the source of debt and establish a workable payment plan
- Referral to credit counseling company

The plan should be simple and clear statements that include the goals of the client in securing stable and permanent housing independent of continued HOPWA assistance.

Updating the Housing Plan of Care- Each month the case manager should review the client's need for continued housing and financial assistance. Documentation of efforts to secure permanent housing and help the client to achieve independence must be maintained in the client's file. Included in this documentation are pertinent dates and time frames relating to the plan. The Housing Plan of Care must be done at least annually.

In conjunction with all of the financial information and documentation gathered during the application process the financial status of the client is reviewed and modified as necessary and documented in the plan. Transferring the client from one funding source (such as HOPWA) to another (such as General Revenue) is not a substitute for assisting the client toward financial independence and self-sufficiency. In assisting the client to plan his or her finances, the client and the case manager should continue to review all items on the client budget worksheet including the goals and the progress to achieving these goals - if there are any financial changes the client should provide appropriate documentation of all income and expenses. Although the regulations and guidelines do not specifically include criteria that would preclude assistance based on a client's assets, when determining the client's ability to pay for and maintain permanent affordable housing beyond HOPWA assistance, assets should be considered.

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Ineligible Determination

An ineligible person or persons for the HOPWA Program should be provided a written explanation of the determination. The source of authority for determining the applicant's ineligible status for HOPWA services should be stated. If the applicant is not satisfied, does not understand the decision, or wishes to challenge the decision, a simplified step-by-step procedure for recourse for the applicant to follow should be included in the written explanation. Appropriate referrals to other resources and for other funding sources should be explored and shared with the applicant.

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SECTION 4: ELIGIBLE HOUSING ACTIVITIES AND STANDARDS

The HOPWA funds can be used for emergency and temporary rent, mortgage and utility payments to transition eligible persons into more permanent housing arrangements. For clarification, there are generally three types of eligible housing activities under the HOPWA Program that are presented in this section:

- Short-Term Supported Housing Facilities to provide temporary shelter (60 days)
- Short-Term Rent/Mortgage to enable eligible individuals to remain in their own dwelling (21 weeks/5months)
- Short-Term Utility Payments to enable eligible individuals to remain in their own dwelling (21 weeks/5 months)

In addition, case management is also a HOPWA activity provided to eligible individuals as long as it is associated with accessing housing services through HOPWA. (Refer to Section 2 for additional information on case management services.) According to HUD, Short-Term Supported Housing Facilities, Rent/Mortgage and Utility Payments are viewed as separate service categories, each with its own eligibility time limits as further explained in this section.

4.1. Short-Term Supported Housing Facility and Time Limits

The Code of Federal Regulations, 24 CFR Part 574.330(a) states "A short-term supported housing facility may not provide residence to any individual for more than sixty (60) days during any six month period." The need for short-term supported housing is calculated on a daily basis and is no longer than 60 days.

If a client initially needed short-term housing facility placement and then progressed to needing rent and utility assistance, a client could receive HOPWA assistance under both service categories not to exceed a total 147 days.

Examples of short-term housing facilities include but are not limited to furnished apartments, emergency shelters, housing rooms, etc., that foster independent living while more permanent arrangements are sought. The placement assistance may not exceed 60 days during any six-month period. One unit of service is one day of placement.

Rate Reasonableness

The daily rate charged for a unit of services must be reasonable in relation to rates currently being charged for comparable units in the private unassisted market. It must not be in excess of rates currently being charged by the facility for individuals not receiving HOPWA assistance. In a situation in where the fair market rate standards cannot be secured, the case manager should thoroughly document their housing search efforts and note what plans are being made towards securing long term, affordable housing. At no time should this rate reasonableness requirement be waived.

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4.2. Short-Term Rent/ Mortgage Payments and Time Limits

Short-term rent/mortgage payments are also an eligible HOPWA activity for eligible individuals. The HOPWA Program provides short-term rent and mortgage assistance to enable clients to secure stable housing or maintain their existing housing. Assistance is time-limited with restrictions on the use of HOPWA funds for rent and mortgage payments.

When determining the eligible amount of assistance for this type of housing assistance, the case manager must consider the following standards:

- There is a difference between a house mortgage and rent. A mortgage is a loan from a bank to pay for a house; and rent is associated with a lease on property owned by a third party. HOPWA funds can be used for either.
- The HOPWA Program also pays for lot rent and trailer rent up to a cap amount, if a cap has been established. If the trailer and lot rent combined exceed the cap amount, the cap amount will be paid. Lot rent and trailer rent is all considered part of the rent/lease or mortgage.
- Short-term rent/mortgage assistance is limited to a period of not more than 147 days during the 52-week period following the date of eligibility ("Enrollment/Anniversary Date"). Case managers must plan ahead and assist clients in making other arrangements when the 147-day time limit is exhausted in the middle of the month.
- One unit of service is one month of rent or mortgage assistance.
- Payment for rent and rental security deposits and mortgage assistance will not be more than the specified amount including late fees if applicable, submitted by the landlord or lien holder.
- Monthly Maintenance. HOPWA funds used to cover monthly maintenance fees on condominiums would not be standard practice and should be considered on a case-by-case basis. However, if the client is to be evicted because of a non-payment of the maintenance fee, then the HOPWA Program could provide assistance (within the guidelines).
- Shared Housing: If a HOPWA applicant is an individual with a roommate(s), only the client's income is counted when assessing income eligibility. However, rent and utilities must be pro-rated among the roommates. That is, if a client has two roommates, one-third of the actual rent is used to assess the HOPWA allowance. If unrelated individuals reside together and one person is eligible to receive assistance, the case manager must insure that the other individual is not unduly compensated as the result of HOPWA assistance.
- Rent Reasonableness. The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market. It must not be in excess of rents currently being charged by the rental property for comparable unassisted units. However, if after conducting a housing search, housing which complies with the fair market rent standards cannot be secured, temporary housing which exceeds the fair market rent standards may be purchased. If this situation arises, the case manager should thoroughly document their housing search efforts and note what plans are being made towards securing long term, affordable housing. At no time should the rent reasonableness requirement be waived.
- Maximum Subsidy for Rental Payments. The amount of funds used to pay monthly rental assistance for an eligible person may not exceed the lower of the rent standard or reasonable rent for the unit. The rent standard

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shall be established by the consortium and shall be no more than the published Section 8 Fair Market Rents (FMR).

- There is no maximum subsidy for mortgage payments.
- Mortgage Reasonableness. Payments will be based upon fair market values (FMR) for the area. In the case of the mortgage, a copy of the mortgage statement from the company, a description of the portion of the property being used by the applicant (when household income is not included, shared housing) and an estimate (in percentage) of the amount of space used by the applicant must be considered.
- Short-term rent or mortgage payments will be based upon fair market rent (FMR) value for the area. (Refer to HOME Program Rent Limits based on Section 8 Fair Market Rents, References/Information Section D.)
- The rental or mortgage assistance agreement should be completed by the interviewer and returned from the landlord, prior to recommendation for authorization of payment for assistance. (Refer to Landlord/Mortgage Holder Agreement, Sample Attachment 15).
- The client may be required to contribute to the cost of rent or mortgage.

4.3. Short-Term Utility Payments and Time Limitations

The HOPWA Program provides short-term utility assistance to pay for gas, coal, oil, water, local telephone service, electricity and firewood, including late fees, reconnect fees. (Refer to Section 6-9 for additional information on payment in arrears.) Hookup fees and deposits are allowable expenses, however, should be paid with HOPWA funds only after all other funding alternatives are exhausted. (Refer to Verification of Utility Bills for HOPWA Assistance, Sample Attachment 11.) Additional requirements that apply are as follows:

- Assistance is limited to no more than 21 weeks in the 52-week period. (Case managers must plan ahead and assist clients in making other arrangements when the 21-week time limit is exhausted in the middle of the month.)
- One (1) unit of service is one (1) month of utility assistance.
- Utility bills may be paid in full under the HOPWA Program; however, clients may be required to contribute to the cost of utilities.
- Utility bills that are not in the clients name may be paid with HOPWA funds provided utilities are where the client resides and payment is due or overdue. The amount paid will be based on the client's prorated share of the costs.

4.4. Calculating the Time Limits for Short-term Rent/Mortgage and Utilities

The time limit for HOPWA funds is 21 weeks or five months. Either is acceptable; however, the federal regulations are clear that HOPWA assistance can be provided for no more than 21 weeks out of a 52-week period. For the Sarasota and Manatee county area assistance is calculated using 147 days. When rental or mortgage and utility assistance are provided for the same month, this is counted as one month (one access) of HOPWA assistance.

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A client who has utilized the initial 147 days of eligibility and is not eligible for a waiver of the time limitations for rent, mortgage and utilities assistance, is not eligible for HOPWA assistance again until one year from the date receiving the initial assistance ("Anniversary Date").

There are times when back payments (payment in arrears) must be considered. The number of weeks or months of assistance are counted when the client received assistance for back payment of 2 or more months. For example, 2 months back payment for rent would be counted as 2 months of assistance and therefore, the client is only eligible to receive an additional 3 months of assistance under the current time limitations of 21 weeks or 5 months. If the client receives rental assistance for 2 months back payment, he or she is only eligible to receive an additional 3 months of assistance within the 52-week period.

Assistance for rent, mortgage, or utility payments to any individual may not be provided for more than 21 weeks in the 52-week period. Under extenuating circumstances, this time period may be expanded. Federal regulations state that HUD may waive, as it determines appropriate, the limitations of 24 CFR Part 574.330(a)(1) and will favorably consider a waiver based on good faith efforts of a case manager to provide permanent housing under subsection (c). Under the HOPWA Program, Case Managers must document the circumstances in which the need for continued assistance is required, the efforts that have been made toward achieving financial independence and the plan for obtaining permanent housing. The exceptional request must be submitted to the Health Planning Council of Southwest Florida. HPCSWF submits the request to the Program Manager at the Sarasota Office of Housing and Community Development who then submits the request to the HUD program office.

HOPWA federal regulation allows that survivors can have HOPWA assistance for up to a year. The amount of assistance will be determined by the Sarasota Office of Housing and Community Development on a case by case basis.

The planned commitment of HOPWA funds to be used for clients for the maximum time period or in excess of the time period would be inconsistent with the intent of the regulations at 24 CFR, Part 574. (Refer to 24 CFR Part 574, References/Information Section I.) HOPWA funds are provided to prevent homelessness and assist those clients who have an HIV-related need.

Although a client who meets the income criteria and is symptomatic, acutely ill or disabled by HIV/AIDS may be eligible for the maximum allowable assistance, HOPWA benefits should not automatically be provided for the maximum 21-week period to all persons eligible for assistance.

Each request for assistance should be reviewed monthly to determine eligibility based on financial and HIV-related need. Where the goals of the Housing Plan of Care have not been achieved by the anticipated time period due to

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circumstances beyond the control of the client, the HUD HIV/AIDS office may waive the time limitations as it determines appropriate and will favorably consider waiver based on the good faith efforts of a case manager, to the maximum extent practicable, to provide the opportunity for placement in permanent housing or a living environment appropriate to the client's health and social needs.

4.5. Waiver of Time Limitations

The HUD HIV/AIDS office may approve, on a case-by-case basis, exceptional requests to extend assistance beyond the time limitations for rent, mortgage and utility payments to prevent homelessness of a client. Examples of exceptional request include: client is waiting for Social Security disability income or supplemental security income; client's unemployment benefits ended and other income is being explored; etc.

The case manager and client must review budget goals and housing care plan goals monthly to determine the client's progress toward achieving independent living and the need for continued assistance. (Refer to Housing Plan of Care, Attachment 13 and Client Budget Worksheet, Attachment 14.)

Required documentation: Requests to extend the 21-week period for both housing and utility assistance should be avoided in all cases; however, exceptions may be approved by the HUD HIV/AIDS office, only upon documentation of:

- An extremely dire financial or medical situation which prevents the eligible client from making his or her housing payments;
- Attempts to secure further client housing by both the case manager and client;
- Availability of funds based on review of the current contract and monthly expenditure rate of the case manager;
- The amount and frequency of previously approved exceptional requests; and
- The date of last application or appeal and status or progress of pending Social Security Disability or Supplemental Security Income determination, if appropriate.

The following procedure should be followed in the receipt, review and approval of exceptional requests:

- Case Managers must submit written requests to the contract manager justifying the need for extended housing or utility assistance.
- Justification must include at a minimum: (1) explanation of the HIV-relatedness; (2) thorough explanation of the exception or unusual circumstances surrounding the request; (3) anticipated period of time for which additional assistance is needed; and (4) details of the client's plans toward securing and maintaining permanent affordable housing.

4.6. Ineligible Activities and Standard Not Approved for Funding

The HOPWA Program cannot be used for the following services and activities:

- × Payment of more than actual cost
- × Payment made directly to a client
- × Cash payments of any kind, including checks made out to cash

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- × Property taxes that are not included as part of the mortgage payment
- × Long distance telephone charges
- × Repairs of any kind to an individual's home or apartment
- × Damages to rental property or stolen furnishings
- × Payment to family member(s) or individual/private owner for rent unless substantiated by a written agreement that a continuing leasee/lessor relationship existing prior to application for HOPWA assistance along with a completed and signed W-9 (Taxpayer Identification Number and Certification form).
- × Down payment or closing costs to purchase a house
- × Non-traditional supportive services such as: transportation, medical care, dental care, pharmaceuticals or other health care services. (Supportive services are available to clients through other funding sources such as Ryan White Title II, AIDS Drug Assistance Program (ADAP), General Revenue, Project AIDS Care (PAC), etc.)
- × Payments which exceed the required time limits
- × To replace any other funds or services available from other state, federal or local government funding. (Other available housing resources must be accessed first, prior to accessing assistance under the HOPWA Program.)

SECTION 5: CLIENT TERMINATION OR DISMISSAL

Clients may be terminated from the program for the following reasons. (Refer to Example of Policy and Procedures for Dismissal of Clients, References/Information Section G.)

5.1. Death of a Client and Survivor Benefits

Surviving Family Members

With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA Program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA Program shall continue for a grace period not to exceed 1 year following the death of the person with AIDS. During the grace period, the case manager will assist the remaining family members to secure alternative housing and may assist the family with moving expenses.

5.2. Violation of Program Requirements

A client may be terminated or dismissed if he or she violates or continues to violate program requirements in the form of, but not limited to, findings of fraudulent use of HOPWA assistance, conflict of interest and purposeful omissions, falsifications or misstatements of conditions of occupancy, threats of violence, verbal abuse and harassment, criminal

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activity, destruction of property including rental property, and non-compliance with case manager and client's plan to secure permanent affordable housing.

5.3. Termination/Dismissal Policy and Procedure

"DISMISSAL" shall mean formal action, taken in accordance with the established policies to cease delivering services, close the case record, and bar the client from applying for additional assistance. DISMISSAL is intended to be permanent. However, with compelling evidence of changes in circumstances and client behavior, the case may be re-opened.

In terminating assistance to any program participant for violation of program requirements, the case manager must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law.

DISMISSAL of a client from the HOPWA Program will only occur when there is evidence of a persistent and serious problem and repeated efforts to resolve the difficulty have been unsuccessful.

Reasons that constitute sufficient cause for DISMISSAL include, but are not limited to:

- × Threat of violence
- × Verbal abuse
- × Harassment
- × Persistent non-compliance

New clients should be informed of the dismissal policy and procedures at Intake. Clients will be reminded of the dismissal policy at any time that a problem is identified that may result in dismissal.

Case Managers must follow established procedures outlined below to terminate or dismiss a client. The Case Manager should update the Health Planning Council of Southwest Florida Program Director and Sarasota Office of Housing and Community Development Program Manager as the termination/dismissal process is implemented and finalized. The following procedures apply to the HOPWA Program.

- Action for DISMISSAL of a client should be initiated by the case manager through a written request to the case manager supervisor and executive director providing justification for DISMISSAL.
- The Case Manager shall document thorough and persistent attempts to resolve the problems presented by the client.
- In cases of DISMISSAL, the Case Manager shall notify the program manager of the problem.
- If the Case Manager determines, through its investigation, that dismissal is appropriate and necessary, written notification of this finding will be provided to the client by registered mail. Should the client challenge a decision, the case manager's grievance procedures are to be followed.

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- A record of the DISMISSAL shall be maintained for a period of at least five (5) years by the Case Manager. The records shall be subject to the Sarasota Office of Housing & Community Development regulations concerning confidentiality of HIV records.

SECTION 6: OTHER REQUIREMENTS AND ACTIVITIES

6.1. Specific Program Requirement Regarding Supportive Services

The HOPWA Program specifically requires supportive services be provided in conjunction with housing assistance. Therefore, supportive services provided by the Ryan White Title II program, general revenue or other funding sources should be accessed. Enrollment through a case manager and evidence of an individualized Housing Plan of Care (Housing Plan of Care, Attachment 13) and case management activities satisfies the requirement.

6.2. Client Confidentiality

Case Managers must agree to ensure the confidentiality of the name and information of any individual receiving assistance. Project Sponsors must comply with the department's Information Security Policies, Protocols and Procedures, 1999-2000, as amended, and the requirements specified in Sections 384.29, 381.004, 392.65 and 455.667, Florida Statutes. (Refer to Memorandum of Understanding, Confidentiality of Client Information, Attachment 16)

6.3. Grievance Procedures

A "GRIEVANCE" shall mean an allegation of violation of federal or state law, regulations, or adopted policies of the Project Sponsor. Issues that cannot be grieved are conditions and limitations of services established through federal law and regulation.

Case Managers must establish and follow a system of internal agency procedures through which clients may present GRIEVANCE(S) if services are reduced, suspended, denied, or terminated; or if a client is dissatisfied with the way services are provided. New clients are to be informed of the grievance policies and procedures at intake. Clients will be reminded of the GRIEVANCE policy at any time that a problem is identified that may result in a grievance. (Refer to Sample Grievance Policy and Procedures, References/Information Section H.)

The following policy and procedures apply to the HOPWA Program:

- The Project Sponsor should develop a written procedure to include a written explanation to the client if it is determined the client is suspended, terminated, ineligible, or denied HOPWA services. The source of authority should be identified (i.e., contract requirement; state guidelines; federal regulations; etc.).
- If a client is not satisfied or does not understand the decision, a simplified procedure for the client to follow should be included in a written explanation. This simplified procedure should include a step-by-step process from the case manager to the case manager supervisor to the provider agency director, and as a last recourse, program

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director at the lead agency. The program director will consult with the grantee's office program manager. A written referral process for clients who are ineligible for HOPWA services should be developed and implemented.

- The HOPWA client should be provided a written explanation for denial; procedures for recourse if the decision is challenged and appropriate referral sources to other providers. It should be noted that complaints regarding the Case Manager and issues such as eligibility denials are not appropriate for the Ryan White Title II Consortium; these are contractual requirements which should be handled first by the case manager, case manager supervisor, HPCSWF with the assistance of the Sarasota Office of Housing & Community Development.
- If client eligibility is pending the receipt of specific information by the case manager, the specific information and the source of authority should be cited in writing to the client.
- At the time of the initial application, the time frames for determining eligibility for HOPWA services should be explained to the client and included in the written procedures.
- In all cases, the Case Manager should attempt to resolve problems presented by the client.
- Complainants will have their GRIEVANCE(S) heard within five working days of receipt of the written complaint by the Case Manager.
- A record of all grievances shall be maintained for at least five years by the Health Planning Council of Southwest Florida. The grievance records shall be subject to Sarasota Office of Housing & Community Development regulations concerning confidentiality of HIV records.
- No reprisals of any kind shall be taken by any party against any aggrieved person, any representative of an aggrieved person, or any other participant in the grievance process.

6.4. Participant Rights and Responsibilities

Case Management agencies must develop and post a client bill of rights in a conspicuous location in the agency. The client must be provided a copy of the bill of rights at the time of eligibility determination. (Refer to HOPWA Participant Rights and Responsibilities, Attachment 7.)

6.5. Conflict of Interest

To avoid situations that may be or appear to be a conflict of interest, the Sarasota Office of Housing & Community Development supports the Code of Federal Regulations, section 574.625, which states that:

"No person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee 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 an agreement with respect thereto, or the proceeds hereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter."

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6.6. Non-Discrimination & Equal Opportunity

The grantee and case management agency must, within eligible populations, comply with the federal and state laws concerning non-discrimination on the basis of race, color, religion, sex, national origin, age, familial status and handicap including:

- Fair housing requirements. (Fair Housing Act)
- Discrimination on the basis of age or handicap. (Age Discrimination Act of 1975)
- Employment Opportunities. (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects - Section 3 of the Housing and Urban Development Act of 1968)
- Minority and women's business enterprises. (Executive Orders 11625, 12432, and 12138). Effort must be made to encourage the use of minority and women's business enterprises in connection with funded activities.
- Affirmative outreach. Procedures must be adopted to ensure that all persons who qualify for assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or handicap, know of the availability of the HOPWA program, including facilities and services accessible to persons with a handicap, and maintain evidence of implementation of the procedures.
- Disability requirements. There must be no discrimination against persons with AIDS or related diseases based on an additional handicap of such person in violation of the Fair Housing Act, Rehabilitation Act, and the Americans with Disabilities Act. Please refer to the Websites presented with this document for more information. Website for HUD's Client Information and Policy System. www.hudclips.org

6.7. Housing Needs Assessment Process

The housing needs assessment must be coordinated with the Ryan White Title II Consortia and included in the Consortia planning, prioritization and resource allocation process.

6.8. Co-Payments

A co-payment is not required under the HOPWA Program. However, the option to collect a rent co-payment is available. If a rental co-payment is required, a consumer should pay, as a maximum, the higher of:

- 30% of the family's monthly adjusted income; or
- 10% of the family's monthly gross income; or

If receiving public assistance, the portion of payments designated from a public agency (adjusted in accordance with the family's actual housing costs). (Refer to Reference/Information Section: Annual Income/Allowances and Adjusted Income/Allowances for definition.)

When already living in HUD housing, the client should first negotiate the co-payment with the landlord directly. In most instances, the landlord will be flexible. However, if there are extenuating circumstances and the need is well documented, the HOPWA funds may be used to pay that portion. Each case should be evaluated on an individual basis.

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6.9. Assistance for Payments in Arrears

Assistance may be provided for bills that pre-date a client's enrollment in the HOPWA Program (payment in arrears/back payments) to bring the client's bills to a current status. Each month of back payment shall be counted as one access of HOPWA assistance.

6.10. Security Deposits

Rental security deposits paid by HOPWA funds are to be paid back to the program unless there are exceptional circumstances. There will be one rental security deposit per client. If the rental deposit is returned, the client may receive another deposit (See Security Deposit Agreement form). The same procedure applies to utility deposits unless the utility company policies dictate the deposit be applied to the outstanding account balance. If this is the case, the client will be assessed 30 days of assistance for the deposit. In the event the rental deposit is applied to damages or is initially considered "last month" rent, the client will be assessed 30 days of assistance for that deposit. The case manager shall provide documented procedures for the landlord or utility company to refund deposits directly to the HOPWA Program.

6.11. Fee Prohibition

Clients provided services under the HOPWA contract are not to be charged fees for housing support services.

6.12. Housing Resource Identification

Housing resource identification, information, and referral services aid in locating and securing housing for HIV+ persons and is available to all individuals regardless of eligibility for further HOPWA funded services. HOPWA funds may be used for housing resource identification to establish, coordinate and develop housing assistance resources for eligible persons (including conducting preliminary research and marketing necessary to determine the feasibility of specific housing related initiatives).

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SECTION 7: PROJECT SPONSOR

7.1. Contract Information

This section does not present all information required to complete the contracting process between the Sarasota Office of Housing & Community Development and the Project Sponsor. Project Sponsors should consult with contract managers in each specific area for additional contract requirements. Project Sponsors will have a contract with the Sarasota Office of Housing & Community Development in accordance with the fiscal year beginning October 1 through September 30. Project Sponsors may receive up to three months advanced funds (first three months of the contract) based on anticipated cash needs and subject to approval by the department's program manager during contract negotiations. Advanced payments are limited to not-for-profit contract providers. Payment will only be made for those allowable costs as stated in the annual contract budget which is in accordance with HOPWA Guidelines and as approved by the OHCD program manager.

Case Management Allocation.

Project Sponsors may use up to 20% of the contract amount allocated for direct care (housing) services for case management associated directly with housing.

Project Sponsor Administrative Costs Allocation. Project Sponsors may use up to 7% of their total contract allocation for administrative expenses. The costs of staff that carry out direct care assistance with clients, such as counseling, services, housing maintenance, etc. are direct costs of that activity and are not to be counted under the limits on administrative costs.

Contract Monitoring Requirements

Programmatic monitoring of the Project Sponsor's HOPWA contract is to be performed annually by the Sarasota OHCD program manager to ensure compliance with the terms of the contract. The program manager will complete a programmatic monitoring report and include a corrective action plan with timelines for the HPCSWF to correct deficiencies, as appropriate. The Office of Housing and Community Development staff may participate in the monitoring activities to ensure all of the terms of the contract are being properly executed. The monitoring will provide an opportunity for verbal and written technical assistance to ensure compliance with state and federal requirements of the HOPWA Program. The HPCSWF is responsible for monitoring all subcontractors.

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SECTION 8: PROJECT SPONSOR REPORTING

The HOPWA reporting cycle will correspond to that of the fiscal year, October 1 to September 30.

8.1. HOPWA Annual Progress Report (APR)

This report is a U.S. Department of Housing and Urban Development (HUD) requirement. This report captures information on all persons who receive housing assistance, including the number of adults and children with HIV/AIDS and their family (i.e., the client and other persons in the household). HPCSWF must collect data and submit the HOPWA Annual Progress Report, in the approved format, to the Office of Housing and Community Development no later than 45 days after the end of the fiscal year. The consolidated APR for HOPWA is submitted by the Office of Housing and Community Development to the federal Department of Housing and Urban Development (HUD) no later than ninety days after the end of the state fiscal year. (Refer to APR approved Format and Instructions, References/Information Section J.) Additional requirements regarding the APR may be stated in the annual contract between the department and the provider (Project Sponsor).

8.2. HOPWA Quarterly Demographics Report

This report captures, on a quarterly basis, information on only the number of and demographics of persons with HIV/AIDS receiving housing assistance. HPCSWF must collect data and submit the Quarterly Demographics Report to their Office of Housing & Community Development program manager 15 days following the end of each quarter.

<u>Quarter</u>	<u>Due Date</u>
October1 - December 31	15 ^h of January
January 1 - March 31	15 ^h of April
April 1 - June 30	15 ^h of July
July 1 - September 30	15 ^h of October

This requirement will be stated in the annual contract between the HPCSWF and the case management agency including the report format and instructions. (Refer to Example Quarterly Report Format and Instructions, References/Information Section K.)

8.3. HOPWA Client Satisfaction Survey Summary Report

HPCSWF through the subcontracted case management agencies, must implement a client satisfaction survey and submit a written summary of the survey results to the Sarasota Office of Housing and Community Development no later than February 15 of each year. The survey instrument will be developed by the HPCSWF and approved by the Sarasota Office of Housing and Community Development.

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8.4. HOPWA Monthly Expenditure and Reimbursement Report

HPCSWF must collect data and submit the Monthly Expenditure and Reimbursement Reports to their Department of Health contract manager by the 10th of each month following the end of the month being reported. Contract managers will forward the report to the Bureau of HIV/AIDS, Patient Care Resources Section, Reporting and Information Systems Unit by the 20th of each month. This requirement will be stated in the annual contract between the department and the provider (Project Sponsor) including the report format and instructions. (Refer to Example Monthly Expenditure and Reimbursement Report Format, References/Information Section L.)

8.5. Report Due Dates

Unless otherwise approved in the annual contract between the Office of Housing & Community Development and the provider (Project Sponsor), the provider and the contract manager are to comply with reporting due dates stated in Sections 8.1. through 8.4.

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List of Attachments – Section 9

Housing Opportunities Program Checklist	1
Client Needs Assessment for HOPWA Assistance	2
HOPWA Client Ranking System Form	3
HOPWA Worksheet for Calculating Maximum Subsidy	4
Housing Opportunities Program Consent to Release Information	5
HOPWA Participation Agreement Form	6
HOPWA Participant Rights and Responsibilities	7
HOPWA Application Form for Housing Assistance	8
Classification of HIV Disease Status Form	9
Verification of No Income Form	10
Verification of Utility Bills for HOPWA Assistance Form	11
HUD/HOPWA Assistance Request Form	12
Security Deposit Agreement Form	12A
Utility Deposit Agreement Form	12AU
Client Agreement for Return of Security Deposit Form	12B
Housing Plan of Care (Goals Progress Report) Form	13
Client Budget Worksheet Form	14
Landlord/Mortgage Holder Agreement Form	15
Confidentiality of Client Information Form	16
Client Service Utilization Form	17

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REFERENCES/INFORMATION - Section 10

- A. Income Limits for the Public Housing & Section 8 Programs (pg 8, 10)
 - B. Annual Income/Allowances (pg 8)
 - C. Adjusted Income/Allowances (pg 8, 12)
 - D. Rent Limits, HOME Program (pg 19)
 - E. Waiver of the 21-Week Time Limitation for Rent, Mortgage and Utility Assistance Examples of Justification) (pg 22)
 - F. Summary of HUD Planning Requirements for State and EMSA "City" HOPWA (pg 5)
 - G. Example Policy and Procedures for Dismissal of Clients (pg 25)
 - H. Example Grievance Policy and Procedures (pg 28)
 - I. 24 CFR Part 574, Housing Opportunities for Persons with AIDS (pg 21, 30)
 - J. APR Approved Format (pg 35)
 - K. Quarterly Report Format and Instructions (pg 35)
- HOPWA Monthly Expenditure and Reimbursement Report (pg 36)
- HAB Policy Notice 99-02 (pg 2)