



Office of Special Needs COVID-19 Frequently Asked Questions: Housing Opportunities for People With AIDS (HOPWA)

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For information specifically relating to the CARES Act eviction moratorium for HOPWA, see:
<https://www.hud.gov/sites/dfiles/CPD/documents/CARES-Act-Moratorium-on-Evictions-and-Effect-on-the-HOPWA-Program-FAQs.pdf>

For guidance on negotiating rent-repayment plans for participants in Office of Special Needs programs, see:
https://www.hud.gov/sites/dfiles/CPD/documents/CPD_Eviction_Prevention_for_At_Risk_Tenants_intro_2020-08-10.pdf

Office of Special Needs General CARES Act and COVID-19 Questions

Question 1: When will CARES Act supplemental funds be distributed?

A.: The CARES Act allocated \$3.96 billion for the Emergency Solutions Grant (ESG) program and \$40 million for technical assistance providers with experience in providing health care services to homeless populations in order to provide an immediate increase in capacity building and technical assistance available to ESG program recipients . These funds will be awarded quickly by using existing grant formulas; they will also be accompanied by new guidance that cuts red tape so grantees can quickly help their communities. HOPWA issued \$63.7 million for competitive and formula grants and \$1.3 million for technical assistance. On April 2, 2020, \$1 billion was allocated for Emergency Solutions Grants (ESG). The remaining \$2.96 billion of ESG funds were awarded on June 9, 2020. Upon submission of the grantee's action and implementation plans, grant agreements will be executed if the funding is available in LOCCS.

Question 2: How does HUD plan to notify communities of their CARES Act funding?

A.: CPD has sent grant notification letters to grantees, which are also available on HUD.gov.

Question 3: Will HUD update guidance for communities on how can deploy CARES Act funds?

A.: Yes, current guidance is available at https://www.hud.gov/program_offices/comm_planning/covid-19.

Question 4: What waivers are available due to COVID-19?

A.: HUD's Office of Community Planning and Development (CPD) issued general waivers relating to COVID-19 on March 31, 2020, and May 22, 2020.

See program-by-program descriptions here:

https://www.hud.gov/sites/dfiles/CPD/documents/Flexibilities_Waivers_Guidance_for_CARE_Act_CPD_Funds_062320.pdf

March 31, 2020 Waiver: <https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

May 22, 2020 Waiver:

https://www.hud.gov/sites/dfiles/CPD/documents/Additional_Waivers_for_CPD_Grant_Programs_to_Prevent_COVID-19_Spread_and_Mitigate_COVID-19_Economic_Impacts.pdf

Housing Opportunities for Persons With AIDS Program (HOPWA) CARES Act and COVID-19 Questions

Question 1: When will CARES Act supplemental HOPWA funding be made available? Where can I find my community's amount?

A.: The CARES Act includes \$65 million in supplemental grant funding for the HOPWA program to be distributed in the following manner:

- \$53.7 million will be allocated to formula grantees. HOPWA's CARES Act funding will be distributed to 140 HOPWA Formula grantees in eligible metropolitan statistical areas (EMSAs) and States. Funds were allocated using the same formula as used to allocate the FY20 appropriation. HUD announced these allocations on April 2, 2020.
- \$10 million in additional one-time, non-renewable funding will be awarded to HOPWA permanent supportive housing competitive (renewal) grantees in a manner proportionate to their existing grants. This portion of the funding will be distributed to 82 current HOPWA competitive renewal grantees. These grants are not subject to the renewal grant eligibility requirement of at least 51% of funds going toward permanent supportive housing activities, and can be short-term or transitional housing focused grants. These grants include nonprofit entities and grantees in rural areas.
- In addition, \$1.3 million in funding will be awarded to existing HOPWA technical assistance (TA) providers. The purpose of the TA funding is to provide an immediate increase in capacity building and TA available to grantees.

For additional materials on this topic, please go to:

https://www.hud.gov/program_offices/comm_planning/budget/ and https://www.hud.gov/press/press_releases_media_advisories/HUD_No_20_049/.

Question 2: On self-certification of income and HIV status, the 3/31/2020 COVID-19 waiver states that this also applies to an eligible client's "family", but what if they're not blood relatives or married?

A.: Under 24 CFR §574.3 the HOPWA program defines family as follows: "Family is defined in 24 CFR 5.403 and 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 well-being, and the surviving member or members of any family described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death." Thus, the "family" need not be related through blood or marriage to qualify under the waiver.

For additional information, please go to:

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

Question 3: On TBRA property standards, what is acceptable for documenting that HQS inspections have occurred under the 3/31/2020 COVID-19 waiver? Is virtual acceptable?

A.: Yes, recordings and real-time video are examples of acceptable documentation (e.g. date is acknowledged verbally or video is date-stamped). Date-stamped photo documentation may also be accepted if all applicable HQS areas are covered.

For additional information, please go to:

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

Question 4: Under the 3/31/2020 COVID-19 waiver, can someone move into a new unit without an inspection at this time to avoid contact with household members, landlords, etc.?

A.: A waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families that have been affected by COVID-19 while also minimizing the spread of the coronavirus.

This waiver is in effect for one year beginning on the date of this memorandum for recipients and project sponsors that are able to meet the following criteria:

- The recipient or project sponsor is able to visually inspect the unit using technology, such as video streaming, to ensure the unit meets HQS before any assistance is provided; and
- The recipient or subrecipient has written policies to physically re-inspect the unit after the health officials determine special measures to prevent the spread of COVID-19 are no longer necessary.

For additional information, please go to:

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

Question 5: Can HOPWA grantees/project sponsors postpone annual housing inspections due to COVID-19?

A.: HOPWA grantees should do their best to keep their staff and clients safe. If they feel it necessary to postpone annual housing inspections due to COVID-19 health and safety concerns for their clients, staff and property owners, then adjustments may be implemented. Grantees should put a policy in place that addresses postponement of annual inspections due to COVID-19 health and safety concerns, detailing how delays can be approved and explaining when and how the policy will be consistently implemented.

Question 6: Can home visits, income verifications for eligibility and other HOPWA program functions normally handled in person be handled by phone?

A.: Yes, HOPWA grantees and project sponsors are encouraged to conduct program processes such as income verification, rent calculations, lease reviews, case management and other activities using remote methods when warranted by the current situation. For example, this may include conducting program functions through phone calls, video-conference calls, and exchange of information through emails. When implementing remote work methods, programs should include careful documentation of all interactions and assure that confidentiality protections are in place.

Question 7: The 3/31/2020 COVID-19 waiver section on space and security only applies in situations where “grantees [are] addressing appropriate quarantine space...” How does HUD define “appropriate quarantine space”?

A.: It is not HUD’s intent to define what is an appropriate quarantine space. HUD recommends grantees refer to local health care professionals to determine proper quarantine space requirements, when they should be implemented, and for how long.

For additional information, please go to:

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

Question 8: The 3/31/2020 COVID-19 waiver refers to “local” health care professionals whereas other waivers outlined in the memorandum refer to “public health officials”. Does this mean a letter from a doctor would be sufficient for this waiver?

A.: Yes, in this instance, a certification from a doctor would meet the requirements of this waiver. In waivers that refer to “public health officials” grantees should seek certifications from local, state, or national health departments/agencies.

For additional information, please go to:

<https://www.hud.gov/sites/dfiles/CPD/documents/Availability-of-Waivers-of-CPD-Grant-Program-and-Consolidated-Plan-Requirements-to-Prevent-the-Spread-of-COVID-19-and-Mitigate-Economic-Impacts-Caused-by-COVID-19.pdf>

Question 9: Which eligible activities can HOPWA grantees use HOPWA funds for in order to prevent, prepare for and respond to COVID-19?

A.: Grantees and project sponsors may utilize their CARES Act funding to carry out activity that is an eligible activity under HOPWA so long as the activity prevents/prepares for/responds to COVID-19. Below are examples of eligible HOPWA activities to support COVID-19 preparedness and response:

- **Administrative Costs:** Creating a disaster response plan for the local HOPWA program to ensure access to housing and services for eligible households during crises.
- **Resource Identification:** Assessing and implementing modifications to workflow and program design, conducting local assessment and planning activities, coordinating with Ryan White HIV/AIDS Program (RWHAP) recipients.
- **Supportive Services:** Assisting HOPWA eligible households in accessing essential services and supplies such as food, water, medications, medical care, transportation, and information; providing nutrition services in the form of food banks or meal deliveries. Educating assisted households on ways to reduce the risk of getting sick or spreading infectious diseases.
- **Leasing:** Costs for short-term hotel/motel stays for clients are eligible under the leasing line item. Hotel/motel stays are limited to no more than 60 days in a six-month period. Hotel/motel rooms can be used as quarantine space for eligible clients who may have been exposed to infectious diseases such as COVID-19.
- **Operating Costs for Housing Facilities:** Essential furnishings, maintenance, equipment, and supplies that support the operation of housing facilities. Eligible supplies include cleaning and disinfection supplies. Unless otherwise waived, medical supplies such as gloves and masks may be purchased subject to the regulatory requirement that payments for health services for any items or service may only be made as a last resort.

Question 10: How can HOPWA grantees use regular HOPWA unspent funds for activities relating to infectious disease such as COVID-19?

A.: HOPWA grantees' planning considerations for responding to COVID-19 should include reviewing their available grant balances. Grantees may use unspent resources for activities related to infectious disease preparedness and response.

HOPWA formula grantees must amend their Consolidated Annual Action Plan when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity. If the changes meet the criteria for a "substantial amendment" in the grantee's citizen participation plan, the grantee must follow its citizen participation process for amendments.

HOPWA competitive renewal grantees are limited to carrying out currently approved activities. These grantees may request an amendment to shift funds for infectious disease related work only if the proposed work falls into the eligible activity categories that have already been approved. All amendments to renewal grants are coordinated through local HUD field offices.

Question 11: How do HOPWA grantees make use of supplemental funds appropriated under the CARES Act?

A.: The supplemental funds provided under the CARES Act are to be used by HOPWA grantees as additional funding to maintain operations and for rental assistance, supportive services, and other necessary actions, in order to prevent, prepare for, and respond to coronavirus. The supplemental award may be used to reimburse allowable costs incurred prior to the receipt of the award provided such costs were used to prevent, prepare for, or respond to COVID-19.

Activities for which grantees may use the supplemental grant funds include, for example:

- * Assisting HOPWA eligible households in accessing essential services and supplies such as food, water, medications, medical care, and information
- * Educating assisted households on ways to reduce the risk of getting sick or spreading infectious diseases such as COVID-19 to others
- * Providing transportation services for eligible households, including costs for privately-owned vehicle transportation when needed, to access medical care, supplies, and food or to commute to places of employment
- * Providing nutrition services for eligible households in the form of food banks, groceries, and meal deliveries
- * Providing lodging at hotels, motels, or other locations to quarantine HOPWA-eligible persons or their household members
- * Providing short-term rent, mortgage, and utility (STRMU) assistance payments to prevent homelessness of a tenant or mortgagor of a dwelling for a period of up to 24 months

For additional information, please go to:

https://www.hud.gov/program_offices/comm_planning/hopwa_covid-19

Question 12: My HOPWA program provided services eligible under CARES Act funding in February and March, before the CARES Act became law. Can my program be reimbursed for those costs under our CARES Act grant now?

A.: The grant funds provided under the Act may be used to cover or reimburse allowable costs incurred by a grantee or project sponsor for allowable activities to prevent, prepare for, and to respond to the COVID-19 pandemic when carried out no earlier than January 21, 2020. Grantees should ensure the activities carried out prior to award are well documented.. IDIS guidance will be provided on how to accommodate reconciliation of costs to CARES Act awards.

Please reference CPD Notice 02-05 at <https://www.hud.gov/sites/dfiles/OCHCO/documents/2020-05cpdn.pdf> for additional information on the reimbursement of expenditures incurred for preparing and responding to COVID-19 prior to the passage of the CARES Act,

Question 13: Are there other parts of the CARES Act that can help my community meet the needs, other than funding?

A.: Several provisions were included in the CARES Act to make HOPWA operations more flexible to meet the current crisis. These include:

- Grantees may use up to six (6) percent of the supplemental grant funding received under the Act for administrative purposes, and a project sponsor may use up to ten (10) percent of its subaward under the Act for administrative purposes.
- CARES Act supplemental grant funding may be used to provide short-term rent, mortgage, and utility (STRMU) assistance payments to prevent homelessness of a tenant or mortgager of a dwelling for a period of up to 24 months instead of the normal cap of 21 weeks in a 52 week period.
- CARES Act funds may be used to pay for relocation services including lodging at hotels, motels, or other locations for eligible persons living with HIV/AIDS as well as household members who are not living with HIV/AIDS.
- Members of households that currently reside in HOPWA-subsidized units are not precluded from receiving additional assistance for hotel/motel stays if isolation is needed.

Question 14: How should supplemental HOPWA competitive renewal grant funds appropriated under the CARES Act be used?

A.: The CARES Act supplemental grant funds will be provided to existing competitive renewal grantees as a one-time, non-renewable award. Competitive grantees are not required to use the supplemental grant funds on permanent supportive housing but may use their awards on any HOPWA eligible activities that address the needs of their communities related to coronavirus prevention, preparedness, and response.

For additional information, please go to:

https://www.hud.gov/program_offices/comm_planning/hopwa_covid-19

Question 15: I represent a HOPWA Competitive Grantee, and I want to know what should be in the “brief description of planned uses” document I send to the field.

A.: Prior to executing a grant agreement, each HOPWA competitive grantee is required to submit to the Office of HIV/AIDS Housing a brief description of planned uses for the supplemental grant funds. This brief description should be one or two pages long and list the type and amount of each eligible activity the grantee anticipates undertaking with the funding, a description of the process that will take place to carry out the work quickly, and a description of how eligible households will access the assistance during any period of time the grantee’s main operations are closed due to public health official guidance. Grantees are also encouraged to provide a description of any identified immediate technical assistance needs.

Question 16: How should supplemental HOPWA formula grant funds appropriated under the CARES Act be used?

A.: Formula grantees should follow existing requirements for development of substantial amendments to their action plans that describe the amount of funding in the supplemental allocation and the planned use of funds. Please note, however, that the 30-day minimum for the required public comment period is waived for substantial amendments, provided that no less than five days are provided for public comment on each substantial amendment. This waiver is available through the end of each grantee’s 2020 program year.

For additional information, please go to:

https://www.hud.gov/program_offices/comm_planning/hopwa_covid-19

Question 17: How should HOPWA grantees pursue grant agreements for supplemental awards drawn from grant funds appropriated under the CARES Act?

A.: Grant agreements for the supplemental awards will be issued through local HUD Field Offices. Within 14 days of executing their grant agreements with HUD, grantees will also be expected to execute new project sponsor agreements addressing how the supplemental funding will be used.

Question 18: How long can a HOPWA-assisted person stay in a hotel if they need to quarantine or isolate?

A.: General HOPWA program guidance recommends that grantees and project sponsors limit hotel/motel stays to no more than 60 days in a six-month period. However, assistance may be provided for a period exceeding this limit if there are COVID-19 related health and safety concerns for household members. Grantees should ensure they have policies in place regarding hotel/motel stays that detail time limits as well as processes for granting extensions based on documented household health and safety concerns, if needed.

Question 19: Can hotel/motel stays funded under HOPWA be extended beyond the 60-day time limit due to COVID-19?

A.: HOPWA guidance provides that hotel/motel stays be limited to no more than 60 days in a six-month period. If grantees feel that hotel/motel stays should be extended past this limit due to COVID-19 health and safety concerns for their clients, they should put a policy in place documenting that it is due to COVID-19 health and safety concerns, detailing how extensions can be approved and explaining when and how the policy will be consistently implemented.

Question 20: I am in a rural area. How can I get more help to develop procedures on how to assist people remotely?

A.: TA related to responding to COVID-19 or regular HOPWA program administration should submit a TA request via the "Request Program Assistance" webpage on the HUD Exchange portal:
<https://www.hudexchange.info/program-support/technical-assistance/>.