



HOPWA
(Housing Opportunities for Persons With AIDS)
Program Policy Manual

2022
Kentucky Housing Corporation

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Notice

This Manual serves as a reference for the Kentucky Housing Corporation's (KHC) administration of the Housing Opportunities for Persons with AIDS (HOPWA) program.

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Please contact a KHC Housing Contract Administration (HCA) program representative or contact [the HCA Help Desk](#) if you have questions or need additional assistance with materials within this manual.

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HOPWA Grant Program

Program Introduction

Kentucky Housing Corporation (KHC) administers the HOPWA Formula grant Program for Kentucky. The Housing Opportunities for Persons with AIDS (HOPWA) Grant Program is funded by the U.S. Department of Housing and Urban Development (HUD) and provides assistance to low-income individuals diagnosed with HIV/AIDS and their family members living with them. All activities must comply with applicable HOPWA regulations, which are found in [24 CFR 574](#).

HOPWA funding provides housing assistance and related supportive services as part of HUD's Consolidated Planning initiative that works in partnership with communities and neighborhoods in managing federal funds appropriated to HIV/AIDS programs. This focus on providing housing assistance and related support services for HOPWA-eligible clients serves to reduce the risks of homelessness for this population and increase access to appropriate healthcare and other support.

Funding Cycles

Formula Grant

Formula grant funds are open for application every three years, with an annual renewal of funds awarded between application years based on agency performance and spending thresholds. Awarded funds must be spent within two years of the award start date. Further details can be found in the Grant Agreement upon award.

The reporting window for completing the annual performance report for Formula awards is one year. Performance measures for Formula awards are reported on the HUD CAPER (Consolidated Annual Performance and Evaluation Report) using a July 1 through June 30 performance period each year.

Receipt of prior funding does not guarantee continued or future funding. KHC reserves the right to accept or reject any proposals, either in whole or in part, waive any informalities or irregularities of any proposals, and take any action it deems necessary to award funds in accordance with HUD's requirements and in the most prudent manner.

Competitive Grant

Competitive grant funds are awarded based on a national competition as a renewal for existing projects every three years. For Competitive funding applications, KHC is the collaborative applicant, providing technical support to and collecting applications from established agencies. KHC then compiles and submits the combined application to HUD.

This is a three-year grant and the operating period is dictated by the dates provided in the executed HUD Grant Agreement. APRs (Annual Performance Reports) must be submitted for each of the three operating years.

Recapture and Reallocation of Funds

KHC reserves the right to recapture and reallocate funds within the grant term if an agency is underperforming, has a compliance monitoring resulting in significant findings, violates the terms and conditions of the funding agreement, or is found to be in violation of KHC's Suspension and Debarment Policy.

Agencies have the option of voluntarily returning funds if expenditures are less than anticipated or for other relevant causes.

Criteria for receiving recaptured funds will include, but not be limited to, currently-funded agencies that do not have grant performance issues and meet minimum expenditure levels.

Eligible Applicants

Any agency or entity in good standing that serves the population eligible to receive HOPWA services is eligible to apply for funding.

Financial Management Training

Application must have at least one current staff member who has completed HUD's online [HOPWA Financial Management Online Training Course](#) prior to applying for the award, or within the specific time period designated by KHC in the application.

This interactive online course allows participants to access training at any time and includes exercises and exams on each module. The course provides instruction on personnel and other administrative expenses; financial management; financial reporting; rental assistance; and other topics relevant to administration of the HOPWA funds.

Capacity Scorecard

Kentucky Housing utilizes a capacity scorecard that is used by all of the program areas that have competitive applications. The scorecard is used to determine the capacity of the agency to administer a program based on the knowledge and expertise of the agency, staff, and development team; the financial capacity of the agency; and its ability and willingness to meet the ongoing compliance requirements of programs funded through Kentucky Housing.

A minimum threshold score will be required in order to be eligible for funding. Capacity scoring will be the first section of the application, so applicants will be able to identify potential areas of weakness prior to completing the entire application.

Applicants are urged to review the Capacity Scorecard questions and seek technical assistance from KHC staff if there are questions or if there are opportunities to make changes that could improve scoring once the application is available. For example, if there are outstanding Compliance Monitoring findings that can be resolved prior to the Application, it could improve the capacity score by clearing those outstanding items.

Entities from a HOPWA Entitlement community **will not be eligible** to apply for HOPWA Competitive funding through Kentucky Housing Corporation (KHC).

KHC reserves the right to use any information reported to the Corporation for the purpose of identifying eligibility for scoring.

Development Team

A HOPWA development team shall be defined as the executive director, board members, finance director, and any staff member involved in administering the HOPWA Program.

Eligible Beneficiaries

There are two basic elements of HOPWA eligibility:

1. Household has at least one person who has Acquired Immunodeficiency Syndrome (AIDS) or related diseases (Human Immunodeficiency Virus, that is, HIV infection). This includes households where the only eligible person is a minor. Medical verification of status is required from a physician, HIV counseling center, or community health center. A statement from a case manager is not sufficient. Documentation must be included in the participant's file.
2. The household must be at or below 80 percent of Area Median Income (AMI). Income limits are available on HUD's web site at: <https://www.huduser.gov/portal/datasets/il.html> .
 - Project sponsors must document and date the determination of income eligibility. This documentation, including all required source documentation, must be included in the program participant file.
 - Income must be recertified annually.
 - Income of all family members over age 18 must be included in the calculation.
 - The HUD [Earned Income Disregard](#) per 24 CFR 5.617 must be offered.

There are a number of HOPWA-eligible activities to help meet the housing needs to low-income persons with HIV/AIDS and their families. See [24 CFR 574](#) for complete information.

Eligible Types of Assistance

Tenant-Based Rental Assistance (TBRA)

TBRA is a rental subsidy used to help participants obtain permanent housing in the private rental housing market that meets housing quality standards and is rent reasonable. Eligible costs include rent (not mortgage payments) and utility costs. HOPWA tenant-based assistance pays the difference between the tenant's portion of the rent and the contract rent. Contract rent cannot exceed reasonable rent based on an analysis of current market rents.

With TBRA, the HOPWA project sponsor makes rental payments directly to landlords. The HOPWA subsidy covers a portion of the full rent; the tenant also pays a portion based on their adjusted income or gross income. The HOPWA TBRA program subsidy payment is the difference between the contract rent charged for an approved unit and the tenant rent payment.

- The tenant pays the greater of 10 percent of gross monthly income or 30 percent of monthly *adjusted* income.
- Annual income recertification is required;
- Tenants are required to notify the project sponsor of significant changes in income increases or decreases during the course of the program year.
- There is no time limit on rent subsidies paid for TBRA through HOPWA.

In order to be eligible to use HOPWA funds for TBRA, agencies must have written policies and procedures that include:

- Program Eligibility
- Tenant Selection Process
- Occupancy Standards
- Client Participation Agreement
- Program Rules
- Housing Search/Selection Criteria
- Move-in Procedures
- Emergency Preparedness Procedures
- Termination of Program Assistance and Eviction
- Surviving Family Member Policies
- Grievance/Appeals Process
- Shared Housing Guidelines
- Referral Process and Procedures
- Waiting List Procedures

Termination of Assistance

Rental assistance may be terminated under the following conditions:

- Violation of Programmatic requirements – tenants no longer meet the required program criteria or criteria for occupancy
- Death of Primary HOPWA Beneficiary – Surviving family members may receive assistance for up to one year following the death of the primary HOPWA beneficiary family member.
- If a participant's adjusted household income increases above 80% of AMI.

Housing Standards

Lead-Based Paint and Fire Safety Requirements - Housing units subsidized with HOPWA funds must be in compliance with federal regulations concerning lead-based paint and fire safety as set forth in the Lead-Based Paint Poisoning Prevention Act of 1973 and the Fire Administration Authorization Act of 1992. Rental assistance documentation should include proof of compliance with these regulations. The HQS checklist should include sections on lead-based paint and smoke detectors that incorporate the provisions of these Federal regulations; in the case of the fire protection act, the participant can self-verify that the unit complies with the regulation.

- HUD's lead-based paint rules apply to all housing assisted through TBRA, PHP or STRMU
- Specifically, lead-based paint rules apply when:
 1. Housing to be assisted was constructed before 1978; and
 2. Residents will include a pregnant woman or a child 6 years of age or younger.
- All housing meeting the above criteria must receive a lead-based paint visual assessment before assistance may be provided.

Staff must complete the HUD “Lead-Based Paint Visual Assessment Training Course before performing lead paint assessments. This training can be found at:<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>

Housing Quality Standards (HQS) – Inspections are required for each unit subsidized with HOPWA TBRA assistance. Each unit must pass a housing quality inspection to ensure the housing is safe and sanitary and in compliance with local and state housing codes, licensing standards and any other jurisdictional requirements. Housing quality inspections are performed at initial move-in and annually during the term of the rental assistance. Prior to occupancy by the HOPWA-funded tenant, the unit must be inspected and approved by the project sponsor. The staff member performing the inspection does not need to be HQS certified in order to complete the inspection.

Any time HOPWA assistance is used to move an eligible household into a unit, an HQS inspection is required. This includes TBRA as well as Permanent Housing Placement.

Short-Term Rent Mortgage and Utility (STRMU) Assistance

STRMU is a short-term service that provides rent, mortgage, and utilities assistance to prevent homelessness and help a household maintain their current housing. This time-limited housing assistance is designed to increase housing stability for program participants with an emergency need. Used in connection with other HOPWA activities and other local, state and federal resources, STRMU can lead to long-term solutions to housing problems for participants receiving this time-limited housing assistance.

STRMU has specific documentation requirements. Please consult [CPD Notice 06-07](#) for more details.

In order to be eligible, the following must exist:

- Participants must be HOPWA eligible persons or households.
- Evidence of tenancy, ownership, or residency.
- Evidence of need.

STRMU cannot be used for the following (this is not a comprehensive list):

- Phone bills
- Credit card or entertainment costs
- Automobile maintenance or repairs
- Personal items, such as clothing or home furnishings
- Security deposits or first month’s rent
- Payments cannot be made directly to the participant, and must be paid to the provider (such as landlord or utility company)

Project sponsors may provide assistance for a period of up to 21 weeks in any 52-week period. Any agency wanting to utilize grant funds for STRMU assistance must calculate the 21 weeks based on a particular participant’s year (one year from date participant began using assistance). The amount of assistance varies per program participant depending on funds available, tenant need and program guidelines.

STRMU is intended for program participants with an emergency need and not intended to provide regular monthly relief to households in situations that are not financially manageable under normal circumstances. If a household is living in a unit that is not normally affordable for them, then access to long-term rental assistance options (HOPWA or other subsidy support programs) are suggested in these

cases. Assistance cannot be provided if the participant is already receiving other HOPWA, federal, state, or local housing subsidy program supports.

STRMU authorization must include a housing stability plan for the participant. STRMU payments may be capped at a fixed amount per year per person, and/or time limited per person. In no case can assistance exceed 21 weeks per one year period.

Habitability Inspections – Upon initial program participant assessment, if the participant indicates any part of the unit may have a deficiency, as outlined in [24 CFR 574.310\(b\)](#), then a habitability inspection is required.

Housing Stabilization Plan

All persons receiving HOPWA assistance must be provided appropriate supportive services, including a housing stabilization plan. The intended purpose of the short-term assistance is to address immediate housing needs and provide support that prevents or reduces the pressing risks of homelessness and assists in securing long-term, stable housing, or in the case of STRMU, helping stabilize current housing. HOPWA regulations require that individuals or households assisted with short-term assistance will be given the support necessary to work toward this goal.

Sponsors should have guidelines for conducting housing assessments and creating housing plans, with the goal of promoting long-term housing stability. Assessments should be completed at intake to determine if the client needs short-term or long-term assistance and at when there are significant life changes for the program participant. Assessments are the foundation for the development of individualized housing and service plans. The sponsor should track all assessments during intake, case planning, and any connections to supportive services. The assessment should include participant household information, current financial information, past rental history, behavioral history, and other needs. A housing plan should be created based upon the assessment information and regular follow-up with the client should be conducted to help achieve the housing plan.

Examples of Housing Assessments and Program Participant Housing Plans may be found at this HUD link, "[Client Housing Plan](#)".

Permanent Housing Placement (PHP)

PHP is used to help eligible persons establish a new residence, where that occupancy is expected to continue. It may be used to complement other forms of HOPWA housing assistance.

Permanent housing placement costs can include:

- Application fees
- Credit checks
- Security deposits
- Identification Document costs (when needed to access housing)

Note: All payments must be made to a third party, not paid directly to program participant

Shared Housing

HOPWA funds can be used for assistance in a shared housing arrangement. Shared housing can reduce the housing costs for the recipient and help secure affordable housing. In a shared housing arrangement, rent is adjusted based on a pro rata share of the private space used by the HOPWA beneficiary. Shared housing arrangements must be voluntary. See 24CFR 574.320(b).

Supportive Services

Supportive services are important tools in helping program participants to stabilize their living situations and help address care needs of persons living with HIV infection. HUD regulations require each HOPWA client be afforded appropriate supportive services that contribute to meeting their specific housing stabilization needs, reducing barriers and increasing positive housing stability outcomes.

The following are eligible expenses under HOPWA Supportive Services and need to be reported in HOPWA year-end performance reports:

- Adult day care and personal assistance
- Alcohol and drug abuse services
- Case management/advocacy/coordination of benefits
- Child care
- Education
- Employment assistance and training for persons with HIV/AIDS
- Health and medical services (with restrictions listed below)
- Legal services
- Life skills management
- Nutritional services (including meals)
- Mental health services
- Outreach
- Transportation
- Other activities for supportive housing services (with prior HUD approval)

Despite this flexibility of services, HUD has limitations on what is considered to be an eligible service. Project sponsors will need to adequately track supportive service activities, document related expenditures, and adhere to these limitations. In general, HOPWA-funded supportive services can be provided to income-eligible persons with HIV and AIDS and their family members. However, as [noted in the HOPWA regulations](#), health services may only be provided to “individuals with acquired immunodeficiency syndrome or related diseases and not to family members of these individuals”

Resource Identification

Resource identification includes costs to develop housing assistance resources, outreach and relationship-building with landlords, costs involved in creating brochures, web resources and time to locate and identify affordable housing vacancies.

Housing Information Services

Housing information includes, but is not limited to, counseling, information and referral services to assist an eligible person to locate, acquire, finance and maintain housing. This may also include fair housing counseling for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap. Housing Information Services may be used to support the development and use of HMIS or HMIS-compliant systems to track client access and utilization and enhance housing access.

Administrative Costs

HOPWA program regulations define eligible administrative costs as “costs for general management, oversight, coordination, evaluation, and reporting on eligible activities. Such costs do not include costs related to carrying out eligible activities, since those costs are eligible as part of the activity delivery costs of such activities.” (24 CFR 574.3). Administrative costs may not exceed 7% of the awarded grant amount.

It is important to follow the regulations that govern administrative funds. As with all billed expenditures, billing for administrative costs should be based on actual costs incurred during a particular period. As with personnel costs, basing administrative charges on a straight pro-rated amount of the total grant (e.g., seven percent of the total amount awarded to the sponsor divided into constant monthly increments) may be helpful for budgeting but is not adequate. Rather, administrative charges should be based on the actual monthly program costs, which should vary each month.

Note: costs do NOT include costs directly related to carrying out eligible activities since those costs are eligible as part of the direct service.

Ineligible Uses of Funds

A number of limitations are placed on activities in the HOPWA regulations. While this is not an all-inclusive list, it is an example of ineligibility.

- Short-term rent, mortgage, and utility assistance to prevent homelessness may not be used to make deposits and pay first month's rent and utilities for homeless persons. (However, Permanent Housing Placement funds may be used for costs not to exceed two months' rent.)
- Short-term rent, mortgage, and utility assistance may not be provided for costs accruing for a period of more than 21 weeks in any 52-week period.
- HOPWA funds may not be used to provide rental or utility assistance that exceeds HUD's Fair Market Rent, local rent reasonableness, or KHC Payment Standard guidelines.

Other Requirements

Housing Assessments/Plans

HUD's main objective for the HOPWA program is that participants achieve housing stability and positive HIV-health related outcomes. Regulation [24 CFR 574.500\(b\)\(2\)](#) states that the grantee (KHC) will ensure that each project agrees to “conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program.” The housing assessment process includes

gathering participant information about current finances, past rental history, behavioral history and other service needs and client barriers to accessing services. The housing assessment is the foundation for the development of individualized housing and service plans. The project sponsor should assess housing and supportive service needs at intake or application for services and create plans for ongoing housing stability. The project sponsor should update these plans regularly at least annually.

All program participant files must contain an individualized housing assessment and housing and service plan with evidence of annual updates and ongoing client progress.

An assessment is key to a housing plan. Here are some basics to include in an assessment:

- Stability of current housing
- Recent housing or homelessness history
- Identification of, causes/source of, housing instability
- Identification of barriers to stability
- Discuss housing readiness such as credit history, criminal history, income, past evictions, substance abuse history, family size, etc.,
- Individual service and housing plans that address the barriers
- Progress tracking

Examples of Housing Assessments and Program Participant Housing Plans may be found at this HUD link, "[Client Housing Plan](#)."

Confidentiality

Confidentiality compliance requires that grantees and sponsors protect the privacy of program participants of HOPWA funds. This regulation, [24 CFR 574.440](#), states: "The grantee shall agree, and shall ensure that each project sponsor agrees, to ensure the confidentiality of the name of any individual assisted under this part and any other information regarding individuals receiving assistance."

The sponsor's confidentiality policy should, at a minimum, address:

- How staff will gather, record, and store confidential information;
- The consent process for the release of confidential information;
- Protocols for responding to breaches of confidentiality;
- Standards contained in relevant state and federal laws, including HIPAA compliance (if applicable) and HIV confidentiality statutes; and,
- Privacy standards related to data collection and use of participant information for program reporting, such as HMIS.

Examples of ways to protect client information include:

- Utilizing a dedicated phone number and line, answering it with something other than the name of an HIV/AIDS-assistance organization;
- Utilizing a separate bank account and checks that do not identify the nature of assistance being provided;
- Utilizing generic letterhead, envelopes, or other printed material in order to avoid disclosing participant HIV/AIDS status;
- Utilizing a subsidiary organization with a separate and generic name to handle housing payments to landlords.

Participant Termination Policy

As described in [24 CFR 574.310\(e\)](#), HOPWA regulations require agencies to create a formal process for handling the termination of participants from HOPWA assistance. This includes policies for handling surviving family members in the event of a death of a HOPWA-eligible person.

The ways in which assistance would terminate are:

- Death of the primary beneficiary –surviving members may continue to receive housing assistance and/or supportive services for a maximum of one year;
- Violation of programmatic requirements

Termination Procedures should include the following elements:

- Written notice to the participant with a clear statement of the reasons for termination;
- Opportunity for a participant to receive a review of the decision, allowing the participant to confront opposing witnesses, present written objections, and to be represented by individual counsel or representation, before a person other than the person (or a subordinate of that person), who made or approved the termination decision;
- Provide prompt written notification of the final decision to the participant; and
- Written policy for handling surviving family members, in the event of a death of a HOPWA-eligible person that establishes a reasonable grace period of continued assistance to surviving family members, not to exceed one year, measured from the date of death of the participant.

Conflict of Interest

According to [24 CFR 574.625](#), organizations should have policies in place that identify and handle potential conflicts of interest on the part of board members, staff persons and other representatives of the organization, such as volunteers. Conflict of interest policies are often part of an organizations “code of conduct” for board, staff and volunteers. HUD regulations require that sponsors and grantees have adequate codes governing conflict of interest in place.

Faith-based Organizations

A primarily religious organization must provide all eligible HOPWA activities in a manner free from religious influence and in accordance with principles outlined in [24 CFR 574.300\(c\)](#).

Fair Housing and Equal Opportunity

HOPWA project sponsors and their activities must comply with all federal laws, executive orders and regulations pertaining to fair housing and equal opportunity, and must take measures to ensure non-discriminatory treatment, outreach and access to program resources.

Kentucky Homeless Management Information System (KYHMIS)

Applicants must utilize the KYHMIS data system or comparable system approved by KHC for data reporting.

Audits

Project sponsors receiving a total of \$750,000 or more in federal and/or state funds are required to have annual audits conducted in compliance with the Single Audit Act. Those project sponsors with less than \$750,000 in federal and state funds should complete annual financial statements. Annual audits and financial statements, whichever is appropriate, must be within six months following the end of the project sponsor's fiscal year.

Reporting

Formula Awards

For formula grant awardees, a Comprehensive Annual Performance and Evaluation Report (CAPER) is due to KHC annually at the end of each grant year's performance periods (July 1 to June 30).

Competitive Awards

For competitive grant awardees, an Annual Progress Report (APR) is due to KHC annually at the end of each grant year's performance period as stipulated by the HUD grant agreement.

Records Retention

Agencies must maintain all HOPWA-related program and financial records for a four-year period after the grant agreement ends, in order to document compliance with the provisions of HOPWA regulations.

Financial Management

KHC requires all grant awardees to maintain sufficient and accurate financial management policies and procedures. Awardees must also have at least one current staff member who has completed HUD's [HOPWA Financial Management Training](#).

Awardees must have policies and procedures that adequately address, at a minimum, the following:

- Internal controls
- Budget controls
- Accounting controls
- Organizational chart
- Written job descriptions
- Written policy manual for accounting/financial transactions
- Written accounting procedures
- Written hiring policies
- Personnel activity reports/timesheets

Compliance Monitoring

KHC is responsible for conducting monitoring reviews for all projects. KHC conducts on-site visits of funded projects to test for compliance with the applicable program regulations. This includes ensuring funds were used for eligible costs and assisted households meet income and other eligibility

requirements. The compliance staff maintains a tracking system to ensure reviews are completed as required by the program regulations. Each recipient of HOPWA funds is required to make available all documentation requested by KHC monitoring staff.

Monitoring Guide

HUD's [HOPWA Grantee Oversight Resource Guide](#) is a great resource that discusses in more detail HOPWA requirements, eligibility and monitoring requirements. It also has useful tools and forms that may assist in running the HOPWA program. Please note: Not all activities described in the monitoring guide are part of the KHC HOPWA program.

HOPWA Program Administration Toolkit

The HUD [HOPWA Program Administration Toolkit](#) is designed to help project sponsors that receive HOPWA funding comply with applicable laws and regulations and administer programs more efficiently and effectively. Some of the forms that may be useful are HOPWA Habitability Standards checklist, STRMU Tracking sheet, Housing application and Assessment, Program participant Files checklist, etc. *Please note that use of the specific tools is not required.* Additional HUD resources and training for HOPWA grantees may be found at HUD's "[HOPWA Guides, Tools and Webinars.](#)"

Public Information and Open Records Act Requests

All materials contained in applications for Housing Opportunities for Persons With AIDS are subject to the requirements of the Kentucky Open Records laws at KRS 61.870-61.884, and the application materials may be viewed and copied by any member of the public. Applicants seeking to claim a statutory exemption to disclosure from open records requests, which may be made, must place all documents viewed as confidential in a sealed envelope marked "Confidential." Applicants must be aware that if an open records request is made for any of the application materials, KHC will make an independent determination of confidentiality and may or may not agree with the applicant's determination regarding the confidentiality of the materials.