

Kentucky Balance of State

Housing Opportunities for Persons With AIDS

**(HOPWA)**

**Program Policies**

***Version 4-1-15***

**Copyright**

Copyright ©2015 by Kentucky Housing Corporation. All rights reserved.

No part of this document may be reproduced or utilized in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from Kentucky Housing Corporation.

Published in the United States of America by:

Kentucky Housing Corporation

1231 Louisville Road

Frankfort, KY 40601

Author: Kentucky Housing Corporation

[www.kyhousing.org](http://www.kyhousing.org)

**Notice**

This manual serves as a reference for the Kentucky Housing Corporation’s administration of the Housing Opportunities for Persons with Aids Program (HOPWA).

To the best of our knowledge, the information in this publication is accurate: however, neither Kentucky Housing Corporation nor its affiliates assume any responsibility or liability for the accuracy or completeness of, or consequences arising from, such information. Changes, typos, and technical inaccuracies will be corrected in subsequent publications. This publication is subject to change without notice. The information and descriptions contained in this manual cannot be copied, disseminated, or distributed without the express written consent of Kentucky Housing Corporation. This document is intended for informational purposes only. The manual contains resources and forms used to implement project(s) as part of the HOPWA Program. The manual is not inclusive of all resources needed to successfully administer a project.

Please contact a KHC program representative if you have questions or need additional assistance with materials within this manual.

Version: April 2015

TABLE OF CONTENTS

Contents

[HOPWA GRANT PROGRAM DESCRIPTION 5](#_Toc414619307)

[Program Introduction 5](#_Toc414619308)

[Funding Cycles 5](#_Toc414619309)

[Formula Grant 5](#_Toc414619310)

[Competitive Grant 5](#_Toc414619311)

[Recapture and Reallocation of Funds 6](#_Toc414619312)

[Eligible Applicants 6](#_Toc414619313)

[Financial Management Training 6](#_Toc414619314)

[Capacity Scorecard 6](#_Toc414619315)

[Development Team 7](#_Toc414619316)

[Eligible Beneficiaries 7](#_Toc414619317)

[Eligible Types of Assistance 7](#_Toc414619318)

[Tenant-Based Rental Assistance (TBRA) 7](#_Toc414619319)

[Termination of Assistance 8](#_Toc414619320)

Housing [Standards 8](#_Toc414619321)

[Short-Term Housing Assistance 9](#_Toc414619322)

[Short-Term Supportive Housing 9](#_Toc414619323)

[Emergency Housing 9](#_Toc414619324)

[Short-Term Rent, Mortgage, and Utilities Assistance (STRMU) 10](#_Toc414619325)

[Housing Plan 11](#_Toc414619326)

[Permanent Housing Placement (PHP) 11](#_Toc414619327)

[Shared Housing 11](#_Toc414619328)

[Supportive Services 12](#_Toc414619329)

[Resource Identification 12](#_Toc414619330)

[Housing Information 13](#_Toc414619331)

[Administrative Fees 13](#_Toc414619332)

[Ineligible Uses of Funds 13](#_Toc414619333)

[Other Requirements 14](#_Toc414619334)

[Housing Assessments/Plans 14](#_Toc414619335)

[Confidentiality 14](#_Toc414619336)

[Participant Termination Policy 15](#_Toc414619337)

[Conflict of Interest 16](#_Toc414619338)

[Faith-based Organizations 16](#_Toc414619339)

[Fair Housing and Equal Opportunity 16](#_Toc414619340)

[Kentucky Homeless Management Information System (KYHMIS) 16](#_Toc414619341)

[Audits 16](#_Toc414619342)

[Reporting 16](#_Toc414619343)

[Formula 16](#_Toc414619344)

[Competitive 17](#_Toc414619345)

[Records Retention 17](#_Toc414619346)

[Financial Management 17](#_Toc414619347)

[Compliance Monitoring 17](#_Toc414619348)

[Monitoring Guide 17](#_Toc414619349)

[HOPWA Program Administration Toolkit 18](#_Toc414619350)

[Public Information and Open Records Act Requests 18](#_Toc414619351)

# HOPWA GRANT PROGRAM DESCRIPTION

## 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](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24).

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 grants are open for application every three years. An annual renewal of funds will be awarded between application years based on an agency’s performance and spending thresholds. Grants begin July 1 and end June 30, and funds must be spent within two years of the grant start date. Further details can be found in the Grant Agreement upon award.

Prior funding awards do 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

The HOPWA competitive grant was originally funded in 1996 through a nationally competitive process. This is a three-year grant that is available for funding in its current form for established agencies, based on availability of funding through HUD. Only renewal funding is available through this process.

# 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 with 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 relative 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 that serves the population eligible for HOPWA funds is eligible to apply for funding.

### Financial Management Training

**Applicants must have at least one current staff member who has completed HUD’s online HOPWA Financial Management Training prior to applying or within the specific time period designated by KHC in the application.**

**This is an interactive online course that 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 area **will not be eligible** to apply for balance of state HOPWA 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: <http://www.huduser.org/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.
* Annual recertification of income eligibility is required.
* Income of all family members over age 18 must be included in the calculation.
* The HUD earned income disregard per 24 CFR 5.617 does apply.

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](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24) 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 property owners. 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 must pay 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 if 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 to include:**

* **Program eligibility**
* **Tenant selection and occupancy standards**
* **Client participation agreement**
* **Program rules**
* **Housing search/selection criteria**
* **Move-in procedures**
* **Emergency procedures**
* **Termination of assistance and eviction**
* **Surviving family member policies**
* **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 requirements – tenants do not meet the required program criteria or criteria for occupancy
* Death – surviving family members may continue to receive assistance for up to one year following the death of a family member with AIDS.
* 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 an online training course before performing assessments. This training can be found at: www.hud.gov/offices/lead/training/visualassessment/h00101.htm

Housing Quality Standards (HQS) – Inspections are requiredfor each unit subsidized with HOPWA 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 made 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 Housing Assistance

## Short-Term Supportive Housing

### Emergency Housing

**HOPWA funds can be used to provide emergency housing vouchers in order to place homeless individuals or families in temporary housing, such as hotel units. However, short-term housing activities should include efforts to secure more permanent housing and supportive services. This type of housing is typically for a period of up to 30 days, and should be classified as facility-based housing assistance for reporting purposes.**

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

**STRMU is a rent, mortgage, and utilities assistance paid on a participant’s behalf in order to prevent homelessness as an intervention to help a household maintain their current housing.** STRMU is time-limited housing assistance 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 HOWA eligible persons or households.
* There should be evidence of tenancy, ownership, or residency.
* There must be 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 (HOPWA or other) would be a better solution than STRMU assistance. Assistance cannot be provided if participant is receiving any other HOPWA, federal, state, or local housing subsidy program.

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 years.

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)](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.4.1.2), then a habitability inspection is required.

### Housing Plan

**For all HOPWA assistance, a household’s housing plan is required. 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. 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:** [www.hudhre.info/index.cfm?do=viewHopwaPrgmAdminToolkit#checklist](http://www.hudhre.info/index.cfm?do=viewHopwaPrgmAdminToolkit#checklist)**.**

## Permanent Housing Placement (PHP)

PHP may be used to help eligible persons establish a new residence where ongoing 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

*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 family. 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.

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)

However, despite this flexibility of services, HUD has limitations on what is considered to be eligible services. 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” [(24 CFR 574.300b(7)).](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.4.1.1)

## 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

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.

## Administrative Fees

Administrative costs are those costs for functions that support operations in general, such as bookkeeping, oversight, management, staff, travel, coordination, and the compilation and reporting of data (not to 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 mainobjective for the HOPWA program is that participants achieve great housing stability by receiving HOPWA assistance. Regulation [24 CFR 574.500(b)(2)](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.6.1.1) 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. 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 the point of intake or application and create plans for housing stability. The project sponsor should update these plans 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 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 homeless 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: <http://www.hudhre.info/index.cfm?do=viewHopwaPrgmAdminToolkit#checklist>.

## Confidentiality

Confidentiality compliance requires that grantees and sponsors protect the privacy of program participants of HOPWA funds. This regulation, [24 CFR 574.440,](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.5.1.5) states: “all grantees and project sponsors shall agree 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)](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.4.1.2), 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 two ways in which assistance would terminate are:

* Death – surviving members may continue to receive housing assistance and/or supportive services for a maximum of one year;
* Violation of requirements – failure of participants to meet the program requirements.

Termination Procedures should include the following elements:

* Written notice to the participant contacting 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 objection, and 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](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.7.1.4), 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).](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=c895eae7059ad19d039698771a21d2da&rgn=div5&view=text&node=24:3.1.1.3.7&idno=24#24:3.1.1.3.7.4.1.1)

# 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 OMB A-133 standards. 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**

For formula grant awardees, a Comprehensive Annual Performance and Evaluation Report (CAPER) is due to KHC annually at the end of each grant year.

## **Competitive**

**For competitive grant awardees, an Annual Progress Report (APR) is due to KHC annually at the end of each grant year.**

# 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 online 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

This resource 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.

<http://www.hudhre.info/documents/HOPWAOversightGuide_Aug2010.pdf>

# HOPWA Program Administration Toolkit

The resources located here are 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.*

<http://www.hudhre.info/index.cfm?do=viewHopwaPrgmAdminToolkit#checklist>

# 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.