Office of HIV/AIDS Housing

Administering HOPWA Housing Assistance

Determining Beneficiary Eligibility

Individuals must meet the following criteria to be eligible for assistance under the HOPWA program:

- Low-income (below 80% of area median income, see www.huduser.org)
- Documented HIV/AIDS status (confidentiality must be maintained)

Income Determination

Income must be determined and verified annually. Income determination covers all members of the household.

- Eligible Individuals and Families: Under the HOPWA program, non-related individuals residing with a person with HIV/AIDS will be considered "family" members if those individuals are found to be important to that person's care and well being. As a result, providers must determine the composition of the assisted household and verify the income of all household members. See 24 CFR 574.3 for definitions of eligible individuals and families.
- Shared Housing Arrangements: In shared housing arrangements, where the assisted client has roommates, the amount paid by HOPWA should be pro-rated to cover the actual portion of the dwelling unit occupied by the assisted client. See 24 CFR 574.320.
- Income Adjustments: Adjustments to income may include deductions for dependants and for elderly and disabled family members as well as for un-reimbursed medical expenses. See 24 CFR 5.611.

HIV Status Determination

HIV status must be documented for each client, subject to confidentiality procedures. Acceptable forms of documentation include the following:

- Documentation from a health professional qualified to make such a determination.
- Documentation from an HIV test conducted by a physician, community health center, or HIV counseling center.

Note that case manager statements or documentation of eligibility for related assistance is not sufficient.

Housing Assistance Administration

Administering housing assistance under the HOPWA program requires the completion of the following steps: (1) Income verification and subsidy calculation; (2) Determination of maximum subsidy; (3) Assessment of subsidy standards to verify that the assisted household is occupying the appropriately-sized unit; and (4) Determination that the housing meets HOPWA habitability standards and lead based paint requirements.

Income Verification and Subsidy Calculation

- All HOPWA beneficiaries must be income eligible (family household income below 80% of area median income).

- Incomes must be verified annually.
- Clients receiving tenant based rental assistance, project based rental assistance, or living in a unit leased by a sponsor or a facility supported by HOPWA operating funds must pay rent.
  - Rent is determined to be the greater of 30% of adjusted income or 10% of gross income.
- The HUD regulations for income verification and subsidy calculation for HOPWA are the Part 5 Requirements.
  - HUD has an online tool provides a step-by-step guide to determining income and rent subsidies. This tool can be accessed at www.hud.gov/offices/cpd/affordablehousing/training/web/calculator/calculator.cfm
- See 24 CFR 574.310.

Maximum Subsidy

- The maximum subsidy is the difference between:
  - The rent standard or the reasonable rent (whichever is lower) AND
  - The client's contribution, as calculated under 24 CFR 574.310
- Rent reasonableness means the rent charged must be reasonable in relation to rents currently being charged for comparable units in the private (unassisted) market.
  - Rent reasonableness must be documented for tenant- and project-based rental assistance and included in the assisted client's file.
- The rent standard may not exceed the HUD published Fair Market Rents or the HUD-approved community wide exception rent. See 24 CFR 574.320(a)(2).
- On a unit-by-unit basis, the grantee can increase the amount by up to 10% for up to 20% of the units assisted.

Subsidy Standards

- HUD will only provide subsidies to families living in appropriately-sized units. The goal is to subsidize the smallest sized unit possible without creating overcrowding.
- Each PHA establishes its own set of subsidy standards. Generally speaking, an individual or a couple is eligible for a studio or a one-bedroom unit. When children are involved, depending on their age and gender, multiple bedrooms may be required.
- A household may occupy a unit larger than specified by the subsidy standards, but in such instances, the subsidy must be calculated based on the Fair Market Rent of the appropriately-sized unit. For example, if the family is eligible for a one-bedroom unit but occupies a two-bedroom unit, the Fair Market Rents for one-bedroom units would be used to calculate the maximum subsidy amount.
- Residing with family members: When a HOPWA-eligible individual lives with family members, the specific circumstance must be taken into consideration when determining the rent subsidy:
  1. In the first scenario, the HOPWA-eligible individual lives with an adult family member and the entire household is assisted. In this situation, total household income is taken into consideration to meet HOPWA low-income eligibility guidelines and rent determinations.
  2. In the second scenario, the client is renting a portion of the unit from the adult family member and a "reasonable accommodation" is determined necessary for the client. (See 24 CFR 82.306(d) on permitting "persons with disabilities," including a person with HIV/AIDS, to receive benefits when housed with a family member who owns or rents the housing unit if it is determined by a physician

that living with the family member is important to the client's overall health and well being.) In this situation, the family's income is not counted in determining eligibility for a TBRA payment, and the rent benefit is calculated based on the pro rata share of the private space used by the HOPWA beneficiary, excluding common space. (For example, if the unit is a 3-bedroom unit and the beneficiary is using one bedroom, the rent would be 1/3 of the 3-bedroom rent standard.)

Housing Quality/Habitability Standards

- Units must be decent, safe, and sanitary.
- These standards apply to any housing provided through acquisition, rehabilitation, leasing, payment of facility operating costs, or use of project-based or tenant-based rental assistance.
- Section 8 Housing Quality Standards (HQS) may be used, although HOPWA Habitability Standards are less procedurally detailed.
  - Since some recipients transfer from HOPWA to Section 8, it may be beneficial to use Section 8 standards to ensure units will be eligible should subsidies become available.
  - A Section 8 standards checklist is located at: **http://www.hudclips.org/sub_nonhud/html/pdfforms/52580.pdf**
- See 24 CFR 574.310 for HOPWA Habitability Standards.

Lead-Based Paint Requirements

- HUD's lead-based paint rules apply to all housing assisted through rental assistance (tenant- or project-based), facility-based, and through short-term rent, mortgage, and utility assistance.
- 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.

     Note: Studio units are exempt.
- 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 they are allowed to perform assessments. This training can be found at: **www.hud.gov/offices/lead/training/visualassessment/h00100.htm**

Note on Confidentiality: HOPWA projects make use of information on the HIV/AIDS status of individuals in determining eligibility. This information must only be accessible by qualified individuals who operate or oversee HOPWA program activities. Grantees must have related written procedures and conduct training efforts to ensure confidentiality of client HIV/AIDS status. Precautions would involve actions such as maintaining paper files in locked cabinets accessible only by designated individuals, installing security software for electronic files, along with periodic monitoring reviews on the adequacy of these procedures and training efforts.

For more information on the HOPWA program visit the HUD website at
http://www.hud.gov/offices/cpd/aidshousing/index.cfm