

S.C. SERVICE PROVIDER HOPWA GUIDELINES
Revised August 2018

The following information represents minimum standards for management of the HOPWA programs for DHEC HOPWA sponsors within the state of South Carolina.

HOPWA Guidance

Program description:

- HOPWA funds are designed to provide emergency housing assistance, defined as short-term rent, mortgage and utility payments, and supportive services for persons with HIV disease who are homeless or who are at risk of becoming homeless. HOPWA funds may be used to assist all forms of housing designed to prevent homelessness including emergency housing, shared housing arrangements, apartments, single room occupancy dwellings, and community residences. Appropriate case management supportive services must be provided as part of any HOPWA assisted housing, but HOPWA funds may also be used to provide supportive services independently of any housing activity in order to assist clients in accessing and/or maintaining stable housing.
- Short-term rent, mortgage, and utility (STRMU) payments are intended to prevent homelessness of the tenant or mortgagor of a dwelling. Clients who receive STRMU assistance must also receive HOPWA case management as a supportive service.
- Tenant based rental assistance is intended to provide long-term, stable housing to clients. For South Carolina HOPWA sponsors who are funded through DHEC, TBRA is provided through Fort Mill Housing Services, Inc. All clients who are in the TBRA program must receive HOPWA case management in an effort to ensure they maintain the stable housing they have established through the TBRA program.
- Permanent housing placement services may be provided in the form of rent and utility deposits for clients who are risk of becoming homeless. Clients who are provided with this service must also receive HOPWA case management.
- Supportive services include, but are not limited to, case management, mental health, assessment, drug and alcohol abuse treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local, State, and Federal government benefits and services. Use of HOPWA funds to provide any of the aforementioned supportive services must be outlined in the detailed budget and approved by DHEC at the beginning of the grant year.

- Case management as a HOPWA supportive service is to be provided to clients who have needs regarding establishing or maintaining stable housing. Therefore, whether case management services are provided in conjunction with STRMU or TBRA or outside of those services, it must include an individualized client service plan that contains a housing component describing 1) the client's housing need and 2) the activities developed to ensure the client will establish or maintain stable housing.

Eligibility Requirements for STRMU:

- Eligible persons must be HIV infected (In the event of a client death, a non-HIV infected household member may be eligible for HOPWA services.) and be low income or HIV infected and very low-income persons (as defined in the HUD generated County income charts that are updated annually), and have a documented emergency that creates a need for housing assistance for a short period of time.
- HUD defines a household as “a single individual or a family composed of two or more persons, for which household incomes are used to determine eligibility and for calculation of the resident rent payment. Caregivers and non-beneficiaries who resided in the shared unit are not reported on in the APR.” This definition set forth by HUD allows room for flexibility. DHEC requires each individual HOPWA sponsor agency to establish the definition for household for their agency. The definition being used should be clearly outlined in agency policies and procedures.
- In order to receive rental payments, persons must present evidence that they are the named tenants under a valid lease or that they are a legal resident of the premises. To receive assistance with a mortgage payment, the eligible persons must demonstrate that they are the owner of a mortgaged dwelling in which they reside. For utility assistance, the eligible persons must have an account in their name with a utility company or proof of responsibility to make utility payments, such as cancelled checks or receipts in their name from a utility company.
- Persons served must reside within the sponsor's service area, unless agreed upon by all serving sponsors. Documentation to that affect must be obtained.
- If a client reports no income, adequate documentation is essential. HUD accepts self-certification of no income only if there is no other means of verification available.
- HUD Fair Market Rent and utility guidelines do not apply to HOPWA short-term rental assistance, however agencies should keep rent reasonableness in mind when determining financial assistance.

- The eligibility of those clients who are admitted to the program should be determined by:
 - Obtaining signed applications that contain all information needed to determine eligibility, rent and income (HOPWA long form).
 - Obtaining third party verification or documentation of expected income, unusual medical expenses, and any other pertinent information. Verification includes tax and/or income statements, third party forms, letters, etc.
 - Obtaining verification of HIV status. Information on the HIV status of a client is confidential and must be maintained in a manner that guarantees confidentiality.
 - Assistance may be targeted or higher priority given to persons with greater needs, for example: eligible persons who are homeless or have very low family income.
 - Income must be re-examined at least annually.

- With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA program with the person with HIV/AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA program shall continue for a grace period of one year following the death of the person with HIV/AIDS. The grace period may not exceed one year from the death of the family member with HIV/AIDS. **See Survivorship Rights: Termination of Assistance Resulting From Client Death.**

Eligibility Requirements for HOPWA Supportive Services

- Eligible persons must be HIV infected (In the event of a client death, a non-HIV infected household member may be eligible for HOPWA services.) and be low income or HIV infected and very low-income persons (as defined in the HUD generated County income charts that are updated annually), and have a need for supportive services that enable them to establish or maintain stable housing.
- Persons served must reside within a sponsor's service area, unless agreed upon by all serving sponsors. Documentation to that affect must be obtained.
- If an agency is providing HOPWA case management, the agency must have a way of differentiating between Ryan White Title II case management and HOPWA case management when documenting services in *Provide*.
- If HOPWA supportive services are provided outside of direct housing services, the supportive services must assist a client in establishing or maintaining stable housing.
- All clients receiving a HOPWA supportive service must have individualized service plans that contain a housing component. The housing component must be

- 1) descriptive of the client's individual housing need and 2) must describe the activities and strategies developed to assist the client in establishing or maintaining stable housing.
- All clients receiving a HOPWA supportive service must have contact with their case manager every 90 days at a minimum.
 - Case managers providing HOPWA supportive services must be able to document information regarding a client's contact with their primary care provider, the client's medical coverage, information regarding client employment situations, income and any other data required by the Annual Performance report (APR).

Designation of Clients for Entry or Admission

- All eligible HOPWA recipients of STRMU, supportive services and/or TBRA are considered "Entered" or "Admitted" into the HOPWA Program.
- In order for a client to receive any HOPWA assistance, the client must present with a housing issue and the sponsor must have documentation of assessment, eligibility determination, and case management intervention as required by HUD.
- For each client enrolled in any HOPWA service, the following actions are expected:
 - All clients receiving any HOPWA service must have individualized service plans that contain a housing component. The housing component must be descriptive of 1) the client's individual housing need and 2) must describe the activities and strategies developed to assist the client in establishing or maintaining stable housing.
 - All clients receiving any HOPWA supportive service must have contact with their case manager every 90 days at a minimum.
 - Case managers providing any HOPWA services must be able to document information regarding a client's contact with their primary care provider, the client's medical coverage, information regarding client employment situations, income and any other data required by the Annual Performance report (APR).

Designation of Clients as Continuing or Exiting

- Client assessments must be done at a minimum on an annual basis or as appropriate throughout the year. Each client enrolled in the HOPWA program at the end of the grant year must be assessed to determine whether he or she is continuing or exiting the program.

- Case managers will assess clients housing service needs to determine if client is to be discharged or remain in the program. Assessment will be done through service plan review.
- Each agency will establish the process for assessing clients throughout the year and at the end of the year.
- All clients active in the TBRA program must be designated as continuing as they are required to be in case management while they are participating in the TBRA program.

Sponsor responsibilities:

- Sponsors agree to comply with the maximum time period for short-term housing as mandated by HUD regulations: 21 weeks in a 52-week period calculated back 52 weeks from the dates of service of the present request for rent, mortgage and utility payments. For example, if a client presents on 10/15/01 with a rent request for the month of November the case manager reviews HOPWA assistance since 11/01/01. If the client has not exceeded 21 weeks in that 52-week period HOPWA assistance is permissible.
- Sponsors must establish and maintain documentation of agency HOPWA policies and procedures including the process for eligibility determination and providing referrals for housing (if applicable). These procedures should include but may not be limited to the following: HOPWA forms, documentation procedures (including electronic documentation), definition of “HOPWA Household”, process for STRMU approval, etc.
- Requests for extensions of the 21-week period will be forwarded to the HOPWA Project Officer via DHEC staff and will only be made on a case-by-case basis demonstrating documented need. If approved, appropriate documentation must be included in the client's record.
- STRMU will be provided and calculated as to weeks of service utilized on a 52-week period. Sponsors must have a way of recording the number of weeks used by each client and documentation must be kept in client charts.
- Dates of services will be calculated reflecting dates of service used. Example: a utility bill with a due date of Sept. 12, will probably use several weeks of service noted on the bill, possible from July – August, depending on billing cycle. This is true calculation of time used.
- Deposits for rent and utilities are provided under the category of Permanent Housing Placement and must be documented in that manner. Deposits may be paid one time per year within a sponsor’s service area and do not count towards

the 21 weeks of assistance. If that client moves to another service area, this may be waived with thorough documentation. Sponsors must make clear to the landlord when the deposit is paid that the reimbursement at the end of the lease period must come back to the sponsor paying for the deposit. Documentation must show all due diligence for obtaining deposits back when the lease is concluded.

- HOPWA funds cannot be used to pay rent or utilities on HUD subsidized units (Section 8 or Public Housing) since HOPWA funds are also from HUD.
- Case managers will develop and assure a coordinated plan of care and attempt to maintain or establish stable housing for clients. This would include assisting clients who are not on disability to apply for disability, assisting clients to apply for public housing assistance such as Section 8 subsidies, public housing units, budgeting/financial planning, employment assistance, etc., and assisting clients to apply for housing at community residential care facilities and/or long-term care facilities.
- Sponsors should conduct an ongoing assessment of the housing assistance and supportive services required for participants in the program, as part of the larger RWCA needs assessment. Sponsors must also assure adequate provision of supportive services to participants and offer case management to each participant. Sponsors must also comply with HUD reporting requirements as listed in the Annual Performance Report. (See *Provide* Addendum for detailed Reporting Requirements)
- Rent payments to individual landlords cannot exceed \$600 gross for the calendar year unless a tax identification number is provided. Sponsors are responsible for completing 1099 annually for individual landlords receiving rental payments in excess of \$600 annually. Mortgage companies, property management companies, and real estate companies are not required to provide these numbers.
- Per Federal requirements, sponsors will provide and/or facilitate the acquisition of a battery-operated smoke detector for each household. Clients will verify receipt of a smoke detector during the HOPWA application. Clients are responsible for maintenance and installation.
- Sponsors will provide information on the dangers of lead paint in the home to each household with children under 7 years of age. Clients will verify receipt of this information during the HOPWA application.
- All sponsors will maintain supporting documentation showing that case managers who are funded through the HOPWA program are providing services in proportion to the level of funding designated to their position. For example, if a case manager's salary is funded 40% through the HOPWA program, that case

manager should be able to document that 40% of their time is spent providing HOPWA supportive services.

- All sponsors must include with their monthly invoices documentation of allowable costs associated with the programs. Examples of acceptable forms of documentation are:
 - Personnel Transaction Details by Account
 - General Ledger Transaction Details by Account
 - Profit and Loss Reports
 - All Supporting Back-up of Expenditures (this is a last resort)

Reporting and record keeping requirements:

- Using *Provide* – Program Enrollment Housing (see *Provide* Addendum)
- Case managers will develop and assure a coordinated plan of care and attempt to maintain and or establish stable housing for clients. Service plans will be maintained in *Provide* and/or client files. Each sponsor may determine if case management service plans will be written to include a housing component, or a separate individual housing care plan will be created to address housing issues singularly.
- HOPWA transfers for eligible persons moving outside of the service area can be facilitated through *Provide* software reporting system and other forms of documentation (if applicable) and must be done to insure that services remain within accepted guidelines for services available.
- Sponsors must insure compliance with HUD reporting requirements. An Consolidated Annual Performance and Evaluation Report (CAPER) will be submitted for the HOPWA program year, which is April 1 -March 31. Reports will be due to DHEC by April 30 each year. Additional reports to monitor and/or report HOPWA data may be required throughout the funding period. Forms for the report will be provided by DHEC. The report will include demographic information about individuals and families assisted with HOPWA funds, client outcomes, administrative costs charged to the program and costs for emergency housing assistance, and supportive services, including staffing costs.
- Sponsors must maintain records for six years beyond the end date of contract. Records include financial records, client records and accurate data on the race/ethnicity of program participants. Sponsors must make available to HUD for inspection financial records to ensure proper accounting and dispersing of HOPWA funds. These records will be monitored on an ongoing basis by DHEC and are subject to an annual review by HUD.

Program review:

- **Financial Management:** Financial records may be reviewed to assure compliance with requirements of the 24 CFR Part 85 and 2 CFR Part 200. The records should provide accurate, current and complete disclosure of financial results. Records must identify the source and use of funds and must be supported by invoices and other source documentation.
- **Program Progress:** Review progress in providing mortgage, rent and utility payments, providing supportive services and expending funds.

TERMINATION OF ASSISTANCE AND GRIEVANCE POLICIES

Grounds for Termination

Housing assistance to clients of the State of South Carolina DHEC HOPWA Program may be terminated if the client violates program requirements or conditions of occupancy. The federal regulations that govern the HOPWA program recognize the importance of keeping persons with HIV/AIDS housed, and emphasize that clients should be terminated only for serious or persistent violations after intermediate steps have been exhausted.

HOPWA project sponsors should terminate a participant's assistance only in **'the most severe cases'** as the regulation states. **Project Sponsors must request permission to terminate a Client's participation in the State of South Carolina DHEC HOPWA program prior to the termination.** It should be every project sponsor's policy to diligently respond to concerns and complaints voiced by Clients, landlords, Housing Coordinators, and other interested parties about the administration of the HOPWA program or policy issues regarding the program. Termination policies should detail the actions that could result in termination, depending on the severity. These may include, but are not limited to:

1. Voluntary Termination is when the Client chooses to leave the program for any reason including: the Client no longer requires assistance, the Client has enrolled in the Section 8 Voucher Program or another program that provides housing assistance, or the Client's household income increases, etc.

2. Death of Client (Survivorship Rights) With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA program may continue for a grace period, not to exceed one year, from the death of the family member with HIV/AIDS. The Project Sponsor shall notify the family of the duration of their grace period and may assist the family with information on other available housing programs and with moving expenses.

HOPWA rental assistance terminates immediately upon the death of a client, unless survived by member(s) of the family who are listed on the housing application, who was identified during the HOPWA certification (or re-certification) process, and residing with the Client in the assisted unit at the time of their death, such person will be deemed the eligible person of the household. The eligible person of the household and, therefore, Client of the program, will be permitted to receive HOPWA assistance as long as eligibility is maintained for the client and their household members.

HOPWA regulations 24 CFR Part 574.310(e) allow up to 1 year of rental assistance to such surviving family members as a grace period. **Each Project Sponsor receiving State of South Carolina DHEC HOPWA funds must develop and follow a written policy regarding the length of the grace period allowed.**

3. Involuntary Termination is a termination initiated by the Recipient due to the Client's non-compliance with program requirements or fraud.

Examples of non-compliance/fraud include but are not limited to:

- Client does not follow the requirements of the rental assistance payment contract, other agreements/guidance related to the HOPWA program
- Client is no longer occupying the unit
- Client fails to provide a lease or other requested information for housing assistance request processing in a timely manner
- Client fails to report all sources of household income
- Client fails to identify all household members
- Client or family members falsify information in order to receive assistance,

*Clients who are involuntarily terminated due to a violation of requirements are ineligible to receive HOPWA assistance funded through SC DHEC for a period of **one (1) year.** However, Recipients may still provide supportive services to terminated clients.

Termination Notice

As a reminder, HOPWA Project Sponsors should terminate a participant's assistance only **in the most severe cases**; however, if all efforts at correcting program violations have been exhausted, all termination notices must be provided to the client in writing and contain the following elements:

1. The notice should inform the client that their assistance under the HOPWA program is being terminated, the effective date of termination and a statement that the HOPWA program will provide only one more month of rental assistance [or one (1) more mortgage or utility payment in the case of emergency assistance], if applicable, from the effective date of termination if the client remains in his/her currently assisted rental unit. If the client no longer resides in the currently assisted rental unit (e.g., the client has abandoned the unit, moved without authorization or has been evicted), the HOPWA program will provide no additional rental assistance at the client's new residence.

2. The notice should specify that a grievance may be initiated with the Project Sponsor within ten (10) business days of the date of the termination notice.
3. The notice should provide a detailed explanation of the reason for termination. The explanation must include the reason for termination (i.e., the incident(s) that led to the decision to terminate, the time and date of the incident(s), and the type of supporting evidence the landlord or provider has with regard to the incident(s) (witnesses, case file documentation, police/incident report, etc.).
4. The notice should include a signed copy of the grievance policy.
5. The notice should instruct the Client how to request a hearing in order to initiate the process.
6. The notice should clearly state the deadline for submitting a grievance.
7. The notice should state that the client has a right to be represented by an attorney or advocate during the entire grievance process.
8. The notice should state that the client has the right to review his/her file at the project sponsor, as well as any documentation supporting the Project Sponsor's decision to terminate the Client's HOPWA assistance.
9. The notice should explain that in the event that the Client appeals the termination decision and the grievance process is not completed within the remaining one (1) month of assistance, HOPWA assistance will continue until the grievance process is completed.
10. The notice should be emailed through *Provide Enterprise* (PE) Secure Portal to the client's HIV medical case manager, and sent by first class and certified mail to the client, return receipt requested.

GRIEVANCE REQUIREMENTS FOR SPONSORS

Grievance Process

Each Project Sponsors must develop a written Grievance Policy that applies to any decision by the HOPWA program that may adversely affect the client's eligibility for assistance, including denial of re-certification, reduction of assistance, or program termination. Grievances must be in writing and must be directed to the Project Sponsor's HOPWA program supervisor.

Any program violation should be documented in the Client's *Provide Enterprise* (PE) Client Profile in a detailed Progress Log, including efforts to resolve the matter with the client. Documentation of efforts will include records of verbal interactions with client about the violation, documentation of diligent search for the Client (as applicable), copies of written warnings, including the warning of the possibility of termination, and other

material as may be relevant. Documentation in the Client's PE file of the Client's efforts to make corrective action, or lack thereof should also be included.

HOPWA regulations require that the Client be provided with access to a formal process that recognizes the client's right to appeal and the Client's right to due process of law. Federal regulations further specify that this process, at a minimum, must consist of:

- a) Serving the Client with a written notice containing a clear statement of the reasons for the determination.
- b) Allowing the Client to examine the case file, and all accompanying documentation and evidence upon request.
- c) Permitting the Client to have a review of the decision, with the opportunity to present written objections before a person, other than the person (or a subordinate of that person) who made or approved the termination decision.
- d) Providing prompt written notification of the final decision to the client.

Due Process /Appeal Procedure

The Due Process Appeal Procedure begins at the local level with an informal review designed to settle most problems through a review of the facts and resolution of the issues.

Informal Review

If a client disagrees with the reason for involuntary termination, he/she may submit a written request to the Executive Director (or equivalent) of the Project Sponsor for a review of the determination. The request must be submitted within ten (10) working days of Client's receipt of the determination and include specific reasons why the Client feels the termination decision was inaccurate or unfair. The Client may submit additional documentation for review by the Executive Director at the time of the review request. The Executive Director will then have fifteen (15) working days to review the termination decision and render their findings. This time may be extended by the Executive Director in the interest of fairness.

Formal Grievance Meeting

Grievance meetings should be conducted in an orderly fashion, based on the policies established. Failure to comply with the directives of the policy, by any participant in the meeting, may result in an exclusion from the meeting. The outcome of the meeting should not affect any rights the client may have to a trial or other review in any judicial proceedings, which may be brought in the matter.

Clients have the right to withdraw their complaint at any time. The withdrawal should be presented in writing to the Project Sponsor. The Client must be notified in writing, via return receipt US Mail, of the date that the withdrawal was received by the agency. A copy of the withdrawal will be kept in the Client's file. The parties may at any time,

before, during or after the grievance meeting, enter into a written stipulation, which resolves the issues being grieved. The Client should always be afforded due process, with a fair and impartial examination of the information, which provides the basic safeguards of due process. Satisfactory due process procedures would include:

- The opportunity to examine, before the meeting all of the documents, records, and HOPWA program rules relevant to the grievance.
- The right to present evidence and arguments in support of the grievance.
- The right to dispute evidence presented in support of the determination of qualification, assistance, or termination under appeal.
- The right to reasonable accommodations for persons with disabilities to participate in the hearing.
- The right to language translation, if necessary.
- The right to request the support of an independent advocate who may be a friend, family member, or other supporter, to assist the client in the grievance process and attend the meeting with the client.
- The right to a decision within ten (10) business days based only on the evidence presented at the grievance meeting, unless additional information is requested by the panel (such requests shall be made in writing and copied to all parties unless such request is made during the grievance meeting).
- Written notification to the client of the final decision by the decision makers defined in the grievance policy should be sent certified mail, return receipt requested within ten (10) business days. A copy of the decision should be maintained in the Client's case file. The written communication should clearly include the reasons for the decision cited.
- Should the Client fail to appear for the scheduled grievance meeting, they will be in automatic default, leaving the challenged program termination or action to stand.
- Any special accommodations required by the client, including translators, should be designated on the grievance form or submitted in writing and received by the program no less than three (3) business days prior to the meeting.

NOTE: During the period of time in which the client is involved in an appeal of the termination decision, his/her assistance shall not be terminated. The client's HOPWA housing assistance payments may be stopped only after the entire HOPWA grievance process has been concluded, and the decision to terminate assistance is upheld and communicated to the client in writing. Due process rights further require that clients have access to a timely, impartial grievance process.

Clients may request that a grievance hearing be convened.

CLIENT GRIEVANCE FILED WITH SC DHEC HOPWA PROGRAM

Each Project Sponsor is contractually obligated to have a Grievance policy for their SC DHEC-funded HOPWA Program. The policy must state that any complaint related to a denial of services or a complaint about services received, which is unresolved at the Project Sponsor level, may be reported by the Client to DHEC's STD/HIV Division by calling the Division at 800-856-9954 between the hours of 8:30AM-5:00PM Monday-Friday, excluding holidays. Further, the policy must state that complaints filed with DHEC will remain confidential, unless the client specifically requests that DHEC follow-up with the Project Sponsor, and, there shall be no reprisal towards the Client when complaints are made.

A Client may file a grievance with DHEC via telephone, email, letter or any other way will be handled by the RW and HOPWA Assistant Manager or RW and HOPWA Program Manager.

The RW and HOPWA Assistant Program Manager or Program Manager will return the phone message or respond to letters (as requested in the letter) within 2 business days. A DHEC Ryan White Part B and HOPWA Program Concern/Compliment Collection Form will be completed.

If follow-up with the Project Sponsor is desired, the RW and HOPWA Assistant Program Coordinator or Program Manager will contact the organization within 2 business days of the call with the person filing the concern/compliment. The client is requested to complete and sign a SC DHEC Authorization to Release Health Information consent form (DHEC Form 1623) to allow a service utilization review within the client's services profile in *Provide Enterprise* (PE). Call notes and the call outcome will be documented.

If desired by the Client, the Client will receive a return call from DHEC within 2 business days after contact with the Project Sponsor. Any further contact with the Client will also be documented.

All "DHEC Ryan White Part B and HOPWA Program Concern/Compliment Collection Forms" and call notes will be filed in the RW and HOPWA Program Manager's Office for 5 years.

QUALIFICATION FOR FURTHER HOPWA PROGRAM ASSISTANCE

The State of South Carolina DHEC HOPWA Program allows for reinstating clients previously terminated from HOPWA. Wherever possible, care should be taken by agencies to ensure that clients terminated from receiving housing assistance do not lose their linkage(s) to medical care. The State of South Carolina DHEC HOPWA Program policy for re-instatement is up to one year for serious violations; however, clients terminated for documented fraud, a lifetime registration for sex offenses, or convictions of manufacturing or producing methamphetamine on the premises of federally assisted housing may be prohibited for life from federally subsidized housing assistance.

Following the up to one-year exclusionary period, reconsideration for admission to HOPWA services should include the following elements:

- An assessment of the client's living situation.
- A written statement from the client explaining the situation that gave rise to the previous termination from the program, the steps that the client has taken since termination to address any individual behaviors giving rise to the termination, and the client's current plan to secure and maintain stable housing.
- If the client has an HIV medical case manager in the community, the medical case manager should work with the client to develop a new care and housing plan form that outlines how the client will be assisted in securing and maintaining stable housing. The plan should include specific information regarding the frequency of client contact with the HIV medical case manager, volunteers, or other care providers in the community who will assist the client in their new housing. The plan should also clearly outline the specific duties of the client, HIV medical case manager, and volunteers or other care providers who will assist the client.