**APPLICATION INSTRUCTIONS FOR THE**

**2019-2020 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**

**GRANT PROGRAM**

A. ***Introduction***

The State of Wisconsin has received a formula grant from the United States Department of Housing and Urban Development (HUD) for the Housing Opportunities for Persons With AIDS (HOPWA) Program, authorized by AIDS Housing Opportunity Act (AOHA) and amended by the Housing and Community Development Act of 1992 (Pub. L. 102-550, approved October 28, 1992). The HOPWA program, managed by HUD's Office of HIV/AIDS Housing, was established to provide housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. The Department of Administration, Division of Energy, Housing and Community Resources (DEHCR) administers this program for the State.

Housing Opportunities for Persons with AIDS (HOPWA) funding can be used to assist all forms of housing designed to prevent homelessness, including emergency housing, shared housing arrangements, apartments, single room occupancy (SRO) dwellings, and community residences. Appropriate supportive services as required by574.310(a)(1), must be provided as a part of any HOPWA assisted housing, but HOPWA funds may also be used to provide services independent of any housing activity.

The Wisconsin Department of Administration, Division of Energy, Housing and Community Resources (DEHCR) will continue the competitive grant process for HOPWA funding. Therefore, it is important for agencies to submit the most complete and current information possible. **The HOPWA funds for 2019-2020 will cover the area of the state outside of the four county Milwaukee Metro area and Pierce and St. Croix counties. The successful applicants must provide HOPWA services in the entire service area.**

The counties included in the state service area include: Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Door, Douglas, Dunn, Eau Claire, Florence, Fond du Lac, Forest, Grant, Green, Green Lake, Iowa, Iron, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Menominee, Monroe, Oconto, Oneida, Outagamie, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, Sauk, Sawyer, Shawano, Sheboygan, Taylor, Trempealeau, Vernon, Vilas, Walworth, Washburn, Waupaca, Waushara, Winnebago, and Wood Counties.

B. ***Eligible Beneficiaries***

Low-income persons (at or below 80 percent of area median income) that are medically diagnosed with HIV/AIDS and their families are eligible to receive HOPWA-funded assistance.

C. ***Eligible Activities***

The following activities may be carried out with HOPWA funds:

1. Housing information services including, but not limited to the following: 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 the basis of race, color, religion, sex, age, national origin, familial status or handicap. Housing counseling, as defined in [§ 5.100](https://www.law.cornell.edu/cfr/text/24/5.100), that is funded with or provided in connection with HOPWA funds must be carried out in accordance with [§ 5.111](https://www.law.cornell.edu/cfr/text/24/5.111). When [grantees](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5be9fefbc13ccd5b02cc53f92e3145ee&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) provide housing services to [eligible persons](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=001f8281e4e8247396e3d99a1231a10d&term_occur=3&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) (including persons undergoing relocation) that are incidental to a larger set of holistic [case management services](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=05f18a803a48b8b6db2c3447bf74ad56&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300), these services do not meet the definition of Housing counseling, as defined in [§ 5.100](https://www.law.cornell.edu/cfr/text/24/5.100), and therefore are not required to be carried out in accordance with the certification requirements of [§ 5.111](https://www.law.cornell.edu/cfr/text/24/5.111);
2. Resource identification to establish, coordinate and develop housing assistance resources for [eligible persons](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=001f8281e4e8247396e3d99a1231a10d&term_occur=4&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) (including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives);
3. Acquisition, rehabilitation, conversion, lease and repair of facilities to provide housing and services;
4. New construction for Single Room Occupancy (SRO) dwellings and community residences only. An environmental impact assessment will be needed for proposals for acquisition and rehabilitation or new construction.
5. Project- or tenant-based rental assistance for shared housing arrangements;
6. Short-term rent, mortgage and utility payments to prevent the homelessness of a tenant or mortgagor of a dwelling;
7. Supportive services including, but not limited to, health, mental health, assessment, permanent housing [placement](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=9ee31c4ba3a72fcb7fed1dfd806947c7&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300), 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, except that health services may only be provided to individuals with [acquired immunodeficiency syndrome or related diseases](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=0e37e2ac45ca254c0f960b15c4451de4&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) and not to [family](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b65adb1a2a12e913174cc95dfed2e1b&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) members of these individuals;
8. Operating costs for housing including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies and other incidental costs;
9. Technical assistance in establishing and operating a community residence, including planning and other pre-development or pre-construction expenses and including, but not limited to, the following: costs related to community outreach and educational activities regarding AIDS or related diseases for persons residing in proximity to the community residence;
10. The [project sponsor](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=fec64d2a01d4d827ec60bc97e5ceb2bf&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300) receiving amounts from grants made under this program may use not more than 7 percent of the amounts received for [administrative costs](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=10d3d8dbcc98f89fd2aec4e9d77da995&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:D:574.300).
11. The HUD program requirements in [§ 5.109](https://www.law.cornell.edu/cfr/text/24/5.109) of this title apply to the HOPWA program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

D. ***Eligible Applicants***

All cities, counties, housing authorities, tribal agencies, and private nonprofit agencies serving the 66-county area outside the Milwaukee and Minneapolis/St. Paul metropolitan areas in Wisconsin are eligible to apply under this application for these funds. The private nonprofit agencies must be organized under Wisconsin Chapter 181; be exempt from taxation under subtitle A of Section 501(c) of the Internal Revenue Code; governed by a voluntary board of directors; use approved accounting systems; and practice nondiscrimination in the provision of assistance.

E. ***Definitions***

For the purposes of this application, the following definitions will be used:

1. *Acquired immunodeficiency syndrome (AIDS) or related diseases* means the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic [agent](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=edcae3de05636d5d429a195060305f7d&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).
2. *Administrative costs* mean costs for general management, oversight, coordination, [evaluation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=6d74ec4d9b578cfedd2099f898fb946a&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3), and reporting on eligible activities. Such costs do not include costs directly related to carrying out eligible activities, since those costs are eligible as part of the activity delivery costs of such activities.
3. *City* has the meaning given it in section 102(a) of the Housing and Community Development [Act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b93c604f1f17967087eac820a6d3ba3&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) of 1974 ( [42 U.S.C. 5302](https://www.law.cornell.edu/uscode/text/42/5302)).
4. *Eligible Metropolitan Statistical Area (EMSA)* means a metropolitan statistical area that has a [population](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b362f830c18f14fd5054e10dc9c34154&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) of more than 500,000 and has more than 1,500 cumulative cases of AIDS.
5. *Eligible person* means a person with [acquired immunodeficiency syndrome or related diseases](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=0e37e2ac45ca254c0f960b15c4451de4&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) who is a [low-income individual](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=0520d254e5843e9dcea1d8d98bcc1131&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3), as defined in this section, and the person's [family](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b65adb1a2a12e913174cc95dfed2e1b&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3). A person with [AIDS or related diseases](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b11d34e5fdeec9ca8f16764d02114119&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) or a [family](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b65adb1a2a12e913174cc95dfed2e1b&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) member regardless of income is eligible to receive housing information services, as described in [§ 574.300(b)(1)](https://www.law.cornell.edu/cfr/text/24/574.300#b_1). Any person living in proximity to a community residence is eligible to participate in that residence's community outreach and educational activities regarding [AIDS or related diseases](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b11d34e5fdeec9ca8f16764d02114119&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3), as provided in [§ 574.300(b)(9)](https://www.law.cornell.edu/cfr/text/24/574.300#b_9).
6. *Family* is defined in [24 CFR 5.403](https://www.law.cornell.edu/cfr/text/24/5.403) and includes one or more [eligible persons](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=001f8281e4e8247396e3d99a1231a10d&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the [eligible person](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=001f8281e4e8247396e3d99a1231a10d&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) or person's care or well-being, and the surviving member or members of any [family](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b65adb1a2a12e913174cc95dfed2e1b&term_occur=3&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death.
7. *Low-income individual* has the meaning given it in section 853(3) of the AIDS Housing Opportunity [Act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b93c604f1f17967087eac820a6d3ba3&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) ( [42 U.S.C. 12902](https://www.law.cornell.edu/uscode/text/42/12902)).
8. *Nonprofit organization* means any [nonprofit organization](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=35ba2baec465e2b20167ef86db6a8ac4&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) (including a [State](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b53c4a715f555ddaf4130860d7e71119&term_occur=7&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) or locally chartered, nonprofit organization) that: is organized under [State](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b53c4a715f555ddaf4130860d7e71119&term_occur=8&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) or local laws; has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has designated an entity that will maintain such an accounting system; and has among its purposes significant activities related to providing services or housing to persons with [acquired immunodeficiency syndrome or related diseases](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=0e37e2ac45ca254c0f960b15c4451de4&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3).
9. *Non-substantial rehabilitation* means [rehabilitation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=92cab30fb74555d29caf017008f8a4d1&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) that involves costs that are less than or equal to 75% of the value of the building after [rehabilitation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=92cab30fb74555d29caf017008f8a4d1&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3).
10. *Population* means total resident [population](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b362f830c18f14fd5054e10dc9c34154&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) based on data compiled by the U.S. Census and referable to the same point in time.
11. *Project sponsor* means any [nonprofit organization](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=35ba2baec465e2b20167ef86db6a8ac4&term_occur=3&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) or governmental housing agency that receives funds under a contract with the [grantee](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5be9fefbc13ccd5b02cc53f92e3145ee&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) to carry out eligible activities under this part. The selection of [project sponsors](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=fec64d2a01d4d827ec60bc97e5ceb2bf&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) is not subject to the procurement requirements of [2 CFR part 200](https://www.law.cornell.edu/cfr/text/2/part-200), subpart D.
12. *Qualifying city* means a city that is the most populous [unit of general local government](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=ddc912aa867a08d8576cf792da8528c6&term_occur=2&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) in an [eligible metropolitan statistical area (EMSA)](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=2dfd83de352865734a115b1b9d0689e2&term_occur=1&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) and that has a consolidated plan prepared, submitted, and approved in accordance with [24 CFR part 91](https://www.law.cornell.edu/cfr/text/24/part-91) that covers the assistance to be provided under this part.
13. *Rehabilitation* means the improvement or repair of an existing structure, or an addition to an existing structure that does not increase the floor area by more than 100 percent.
14. *State* has the meaning given it in section 853(9) of the AIDS Housing Opportunity [Act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b93c604f1f17967087eac820a6d3ba3&term_occur=4&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) ( [42 U.S.C. 12902](https://www.law.cornell.edu/uscode/text/42/12902)).
15. *Substantial rehabilitation* means [rehabilitation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=92cab30fb74555d29caf017008f8a4d1&term_occur=3&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) that involves costs in excess of 75 percent of the value of the building after [rehabilitation](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=92cab30fb74555d29caf017008f8a4d1&term_occur=4&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3).
16. *Unit of general local government* means any city, town, township, parish, county, village, or other general purpose political subdivision of a [State](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b53c4a715f555ddaf4130860d7e71119&term_occur=9&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3); Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Federated [States](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b53c4a715f555ddaf4130860d7e71119&term_occur=10&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) of Micronesia and Palau, the Marshall Islands, or a general purpose political subdivision thereof; and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to [act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b93c604f1f17967087eac820a6d3ba3&term_occur=5&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3) on behalf of the jurisdiction with regard to provisions of the National Affordable Housing [Act](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=5b93c604f1f17967087eac820a6d3ba3&term_occur=6&term_src=Title:24:Subtitle:B:Chapter:V:Subchapter:C:Part:574:Subpart:A:574.3).

F. ***Funds Available***

**For 2019-2020, $672,882 in formula HOPWA funding is available for the contract period October 1, 2019 through September 30, 2020.** **All funds will be awarded to one grantee with the capacity to offer HOPWA services throughout the 66-county services area in Wisconsin.** Of this amount, $625,781 (93%) must be used for eligible HOPWA program activities, and up to $47,101 (7%) may be used for HOPWA program administration. Collaborative efforts are required for the statewide application. All grant awards are contingent upon receipt of HUD funding. The Division of Energy, Housing and Community Resources reserves the right to amend, modify, or withdraw the applications and any of the grant program rules, instructions, or procedures contained herein and may exercise such right at any time and without notice and without liability to any applicant or other parties for their expenses incurred in the preparation of a proposal or otherwise.

G. ***Program Requirements***

Grant award recipients are required to comply with all federal requirements. Please refer to Appendix I for a list of HOPWA-specific requirements, 24 CFR Part 574: Housing Opportunities for Persons With AIDS. These requirements include, but are not limited to, the following areas:

* Eligible applicants
* General standards for eligible housing activities
* Additional standards for rental assistance
* Additional standards for short-term supported housing
* Additional standards for community residences
* Additional standards for broadband infrastructure
* Prohibition of substitution of funds
* Capacity
* Cooperation
* Fee prohibitions
* Financial records
* Remaining participants following bifurcation of a lease or eviction as a result of domestic violence, dating violence, sexual assault or stalking
* Responsibility for grant administration
* Environmental procedures and standards
* Performance reports
* Recordkeeping
* Deobligation of funds
* Nondiscrimination and equal opportunity
* Protections for victims of domestic violence, dating violence, sexual assault, or stalking
* Applicability of uniform administrative requirements, cost principles, and audit requirements for federal awards
* Conflict of interest
* Displacement, relocation and real property acquisition
* Lead-based paint
* Flood insurance protection
* Coastal barriers
* Audit
* Wage rates
* Housing counseling

Programs using the HOPWA grants must comply with nondiscrimination and equal opportunity requirements. The grant recipient should make efforts to use minority and women's business enterprises about activities funded with HOPWA grant funds. Information regarding Wisconsin Women Owned and Minority Businesses will be made available to grant recipients upon request.

Each agency shall provide the HUD-required Annual Progress Report (APR) to the Division for the period of April 1, 2019 through March 31, 2020 by April 15, 2020. The successful applicant will be required to assist the Division as needed with the preparation of the Division’s Consolidated Annual Performance and Evaluation Report (CAPER) to HUD.

Each agency receiving the grant shall maintain an accurate record of clients served in Wisconsin’s HMIS, Wisconsin Service Point (WISP).  Data must be entered into WISP no later than the 5th of the month for the previous month and will be monitored no later than the 15th of each month for the grant year to date.

H. ***Applicant Responses***

The proposal submitted in reply to this application shall respond to the specifications stated herein. Failure to respond to the specifications may be a basis for an applicant being eliminated from consideration during the selection process. The Division reserves the right to reject any or all proposals.

All aspects of the proposal from the successful applicant(s) will become contractual obligations. The Division reserves the right to negotiate the award amount and budget items with the selected applicant(s) prior to entering into a grant agreement.

Justifiable modifications may be made during the grant agreement only through prior consultation with and written approval of DEHCR. Failure of the successful applicant to accept these obligations may result in cancellation of the award.

1. ***Submittal of Application***
2. Complete Application. A complete application will include:
3. The completed and signed application form.
4. Narrative answers contained within the body of this application document.
5. Signed certification.
6. A map marked to show the exact location or the service area of any agency requesting the use of these funds. **Successful applicants must provide HOPWA services in the entire service area of these grant funds.**
7. Internal Revenue Service Letter of Nonprofit Status is required for all applicants that are not government entities, tribal entities or community action agencies. If not attached, please explain nonprofit status and note date when letter can be sent.
8. Number of Copies: An **Original** and **One (1)** copy are required.
9. **Application Deadline:** The closing date for the receipt of all applications will be **September 30, 2019**. Applications may be mailed or hand delivered.

An application will be accepted and considered received on time if:

1. The application sent to the following address is received, postmarked or identified by a commercial carrier processing date on or before **September 30, 2019**:

HOPWA Program Manager

Division of Energy, Housing and Community Resources

Wisconsin Department of Administration

PO Box 7970

Madison, WI 53707-7970

1. The application is hand delivered to the address below by 4 p.m. on **September 30, 2019.**

HOPWA Grant Program

Division of Energy, Housing and Community Resources

Wisconsin Department of Administration

101 E. Wilson Avenue

Madison, Wisconsin 53707-7970

All applications which are received, postmarked or identified by a commercial carrier processing date after the closing date of September 30, 2019 at 4 p.m. will not be reviewed and will be returned to the applicant.

4. Supplemental and Clarifying Information: Unless requested by the Division, no additional information will be accepted from an applicant after the deadline for submittal of applications.

J. ***Assistance***

For assistance in completing the application, contact Padraic Durkin at (608) 267-2737 or by e-mail at Padraic.Durkin@Wisconsin.gov.

K. ***Review of Applications***

An administrative review of funding requests will be conducted by DEHCR staff reviewers. DEHCR will evaluate applications including the following criteria:

* Agency capacity to deliver program objectives and comply with program requirements;
* Need for the project in the area to be served;
* The measurable objectives used to assess program success;
* Agency capacity to deliver services throughout the 66-county state formula HOPWA grant program service area;
* The extent and appropriateness of proposed housing and supportive services;
* Extent of leveraged public and private resources for the project;
* Appropriateness of the budget;
* A recipient’s past performance and progress regarding all of grantee’s DEHCR administered grant programs will be considered in the review, selection and award process.

It is expected that all activities funded under this program will be in conformance with the State of Wisconsin’s Consolidated Plan (CP). However, applicants do not need to submit a CP certification with this application.

L. ***Award Procedures***

It is anticipated that all grant funds will be awarded to a single applicant with the capacity to serve the entire 66-county state formula HOPWA service area. The grant agreement would be expected to be in effect for the period October 1, 2019 through September 30, 2020, with the possibility of a one-year renewal. The grant agreement will include a schedule for fund disbursement and reporting, record keeping and auditing requirements, and special conditions of the grant award.

M. ***Notice of Non-Approval and Rights of Applicants***

Each applicant whose proposal is reviewed shall receive written notice of the determination of approval or non-funding of the proposed project.

After notification of awards are made, and under the supervision of DEHCR staff, copies of all proposals will be available for public inspection from 8:00 a.m. to 4:00 p.m. in the Department of Administration, Division of Energy, Housing and Community Resources, 101 E. Wilson St., Madison, WI, 53703.

N. ***Appeal Process***

An applicant who objects to the award or denial of an award has the right to appeal the decision through the following process:

1. The Applicant must file a written notice of appeal with the Division Administrator. The Notice must include the name of the application and a short summary of why the applicant is appealing the decision.

**THE NOTICE OF APPEAL MUST BE FILED WITHIN TEN (10) CALENDAR DAYS OF THE DATE THE APPLICANT RECEIVED NOTICE OF AWARD OR DENIAL.**

2. Upon receipt of the written notice of appeal, the Division Administrator shall review the funding decision as it regards the subject of the appeal and respond to the applicant in a timely manner.

Questions regarding the appeal process should be directed to:

Administrator

Division of Energy, Housing and Community Resources

Department of Administration

P O Box 7970

Madison WI 53707-7970

CHECKLIST FOR COMPLETED APPLICATION

Please use this checklist to make sure you have obtained all the necessary signatures in the Application and have provided the necessary attachments and correct number of copies:

\_\_\_\_\_\_ Signed Application title page and certifications (pages 11 & 17)

\_\_\_\_\_\_ Map of the service area attached.

\_\_\_\_\_\_ One original and one copy of the application

\_\_\_\_\_\_ Documentation of leveraged/matched funds.

\_\_\_\_\_\_ Documentation of interagency relationships.

**APPLICATION FOR THE**

**2019-2020**

**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANT** **(HOPWA)** **GRANT PROGRAM**

Applicant Agency:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Federal Employer Identification Number:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DUNS Number:

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Physical Address:

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Payment Address (if different than Physical Address):

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Contact person to administer applicant’s HOPWA program, with title:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone of contact person:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

E-mail of contact person:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SUMMARY INFORMATION

1. Year agency’s HOPWA program was established:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Briefly state the primary mission of the applicant agency:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3: Total HOPWA funds requested:

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4: Total current operating budget:

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5. Purpose in requesting funds (check all that apply):

To increase supportive services

To provide rental assistance, or short-term rental, mortgage or utility assistance

To bring building up to health and safety codes

To increase the number of AIDS/HIV affected individuals or families

assisted

Other (specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**OFFICIAL AUTHORIZED TO COMMIT APPLICANT ORGANIZATION TO A HOPWA PROGRAM AGREEMENT:**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NARRATIVE INFORMATION**

**Please answer each question below by inserting the answer below the question within the body of this Microsoft Word document. Keep the original question in the document for application clarity.**

1. Organization Profile/Administrative Capacity

A) For each organization involved in carrying out this proposal describe the following (including the lead agency and any subgrantees):

1) Agency Mission.

1. Experience/history of providing supportive services and/or housing assistance to individuals and families affected by AIDS/HIV.

3) Current housing or service programs, activities and accomplishments.

4) Organizational structure.

a. Indicate the number of facilities and their uses.

b. Attach an organizational chart, indicate where this project fits, if applicable.

c. Provide information regarding your organization’s AIDS/HIV program(s).

5) List the staff positions of paid personnel who would be working full-time providing HOPWA services in the 66-county service area, including the percentage of that time to be charged to the state formula HOPWA grant. For each staff position, include the specific services the person in the position will provide.

6) List the staff positions of paid personnel who would be working part-time providing HOPWA services in the 66-county service area, including the percentage of that time to be charged to the state formula HOPWA grant. For each staff position, include the specific services the person in the position will provide.

7) Discuss the extent of volunteer participation in the state formula HOPWA program, if any.

8) Status of compliance with HUD regulation to have a homeless consumer member of the applicant’s board of directors.

B) Describe your involvement with other agencies to collaborate and coordinate housing and supportive services for individuals and families affected by AIDS/HIV in your service area.

1. Describe the needs in the 66-county state formula HOPWA service area for HOPWA-funded services. Provide statistical information regarding the need for housing and supportive services for individuals and families affected by HIV/AIDs. Explain each identified need separately, such as for unmet housing and supportive service needs.
2. Describe how state formula HOPWA funds would be used to meet each need identified in item 3) above.
3. Describe the measurable objectives that will be used to assess the program’s success. Please address how progress toward meeting objectives will be monitored on an ongoing basis, and how program changes will be implemented.
4. Describe the households to be served. How many households will the applicant agency’s program serve and what are their demographic characteristics?
5. Describe the geographic area to be served by the program. The area should include all 66 counties in Wisconsin outside the Milwaukee and Minneapolis/St. Paul metropolitan areas.
6. Describe the process for assessing the housing and service needs of potential program participants.
7. Describe the supportive services to be offered. Will supportive services be offered along with housing assistance, without housing assistance or both?
8. Describe the housing alternatives to be used. What role participants will have in deciding where to live? What role participants will have in operating/maintaining the housing? What role will the project sponsor have in operating and maintaining the housing?
9. Explain how rental assistance payments or short-term rent, mortgage and utility assistance (STRMU) will be administered. If STRMU will be offered, what would be the proposed maximum length of assistance (within the allowed 21 weeks)?
10. Explain how housing subsidized with HOPWA funds will meet HUD habitability standards.
11. Describe any leveraged public or private resources to be used in conjunction with this project, and the services those resources will provide to clients served with the state formula HOPWA program.
12. Describe the role of any partner agencies or subgrantees in this application. Include the agency name and specific services the agency or subgrantee will provide.

14. Work Plan and Timetable

a. Identify the start date and end date of the HOPWA-funded program.

1. Describe on a monthly or quarterly basis the proposed activities and

outcomes of the project. Be as specific and quantitative as possible.

15. Total Budget (Complete this section for every agency (project sponsor and subgrantee) involved in carrying out this proposal.)

1. Total Organization Budget - (include all funds received or accounted

for by your organization).

Current fiscal year budget:

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Previous fiscal year budget:

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**BUDGET**

**On the “HOPWA PROGRAM ACTIVITIES BUDGET” and “HOPWA ADMINISTRATIVE BUDGET” forms of this application, enter the total estimated expenses for operating the program. Do not include the value of in-kind contributions, such as donated materials or volunteer time.**

1. Program Budget

1. In cases where staff also performs administrative services, costs should be prorated between applicable budgets.

b) Rent payments made by program participants should be included in the

program budget in the other funds column. (List only if rental assistance is a part of the program.)

c) A maximum of $625,781 is available for eligible HOPWA program activities.

1. Administrative Budget

A maximum of $47,101 is available for HOPWA administrative costs.

**HOPWA PROGRAM ACTIVITIES BUDGET**

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|  |  |  |  |  |  |  |  |
|  |  | TOTAL HOPWA |  | TOTAL OTHER |  | TOTAL PROGRAM | |
| CATEGORY |  | FUNDS | + | FUNDS | = | BUDGET |  |
|  |  |  |  |  |  |  |  |
| Rental Assistance |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Short-Term Rent, Mortgage and |  |  |  |  |  |  |  |
| Utility Assistance (STRMU) |  |  |  |  |  |  |  |
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| Housing Information Services |  |  |  |  |  |  |  |
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| Supportive Services Associated |  |  |  |  |  |  |  |
| with Housing |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Supportive Services Not |  |  |  |  |  |  |  |
| Associated with Housing |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Other |  |  |  |  |  |  |  |
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| \*Explanation of "Other" Expenditures |  |  |  |  |  |  |  |
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| Category |  |  |  |  |  |  |  |
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| Subcontract |  |  |  |  |  |  |  |
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**HOPWA ADMINISTRATIVE BUDGET**

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|  |  |  |  |  |  |  |  |
|  |  | TOTAL HOPWA |  | TOTAL OTHER |  | TOTAL PROGRAM | |
| CATEGORY |  | ADM. FUNDS | + | ADM. FUNDS | = | ADM. BUDGET |  |
|  |  |  |  |  |  |  |  |
| Personnel |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Fringe Benefits |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Temporary Help |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Travel |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Equipment |  |  |  |  |  |  |  |
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| Office Rent |  |  |  |  |  |  |  |
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| Supplies |  |  |  |  |  |  |  |
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| Telephone |  |  |  |  |  |  |  |
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| Postage & Shipping |  |  |  |  |  |  |  |
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| Printing & Copying |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| Training |  |  |  |  |  |  |  |
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| Audit |  |  |  |  |  |  |  |
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| Contractual\* |  |  |  |  |  |  |  |
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| Other \*\* |  |  |  |  |  |  |  |
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| TOTALS |  |  |  |  |  |  |  |
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| \*Explanation of "Contractual" expenditures | | |  |  |  |  |  |
| \*\*Explanation of "Other" expenditures | |  |  |  |  |  |  |
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**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS Program Certifications**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of the

(name and title)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(insert the applicant organization name) (enter address)

certify compliance with:

(1) The requirements of 24 CFR 574.310(c)(i) and(ii), concerning the continued use of buildings for which HOPWA funds are used as a facility to provide housing or assistance for individuals with AIDS or related diseases;

(2) The building standards requirement of 24 CFR 574.310(b)(1) and (2);

(3) The requirements of 24 CFR 574.320 and 574.330, concerning rental assistance and additional standards for short-term supported housing; and

(4) The requirements of 24 CFR 574.600, 574.603 and other appropriate provisions of 24 CFR 574, and other applicable Federal law concerning nondiscrimination and equal opportunity.

I certify that the agency, in carrying out its HOPWA Grant, will not (except as provided at 24 CFR 574.510):

(1) Fund renovation, major rehabilitation, or conversion of any building that is listed on the National Register of Historic Place; located in an historic district; immediately adjacent to a property listed on the National Register or deemed to be eligible for inclusion on the National Register by the State Historic Preservation Officer;

(2) Fund any such activity taking place in a 100-year flood plain designated by map by the Federal Emergency Management Agency;

(3) Fund any such activity which will jeopardize the continued existence of an endangered or threatened species designated by the Department of the Interior's Fish and Wildlife Service or by the Department of Administration's National Maritime Fisheries Service, or affecting the critical habitat of such a species; and

(4) Be inconsistent with HUD's environmental standards at 24 CFR Part 50.4 or with the State's Coastal Zone Management Plan.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**APPENDIX I**

Title 24: Housing and Urban Development

**PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

**Contents**

[**Subpart A—General**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.a)

[§574.3   Definitions.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_13)

[**Subpart B—Formula Entitlements**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.b)

[§574.100   Eligible applicants.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1100)  
[§574.110   Overview of formula allocations.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1110)  
[§574.120   Responsibility of applicant to serve EMSA.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1120)  
[§574.130   Formula allocations.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1130)  
[§574.190   Reallocation of grant amounts.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1190)

[**Subpart C—Competitive Grants**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.c)

[§574.200   Amounts available for competitive grants.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1200)  
[§574.210   Eligible applicants.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1210)  
[§574.240   Application requirements.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1240)  
[§574.260   Amendments.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1260)

[**Subpart D—Uses of Grant Funds**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.d)

[§574.300   Eligible activities.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1300)  
[§574.310   General standards for eligible housing activities.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1310)  
[§574.320   Additional standards for rental assistance.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1320)  
[§574.330   Additional standards for short-term supported housing.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1330)  
[§574.340   Additional standards for community residences.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1340)  
[§574.350   Additional standards for broadband infrastructure.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1350)

[**Subpart E—Special Responsibilities of Grantees and Project Sponsors**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.e)

[§574.400   Prohibition of substitution of funds.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1400)  
[§574.410   Capacity.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1410)  
[§574.420   Cooperation.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1420)  
[§574.430   Fee prohibitions.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1430)  
[§574.440   Confidentiality.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1440)  
[§574.450   Financial records.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1450)  
[§574.460   Remaining participants following bifurcation of a lease or eviction as a result of domestic violence, dating violence, sexual assault, or stalking.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1460)

[**Subpart F—Grant Administration**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.f)

[§574.500   Responsibility for grant administration.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1500)  
[§574.510   Environmental procedures and standards.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1510)  
[§574.520   Performance reports.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1520)  
[§574.530   Recordkeeping.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1530)  
[§574.540   Deobligation of funds.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1540)

[**Subpart G—Other Federal Requirements**](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#sp24.3.574.g)

[§574.600   Cross-reference.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1600)  
[§574.603   Nondiscrimination and equal opportunity.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1603)  
[§574.604   Protections for victims of domestic violence, dating violence, sexual assault, and stalking.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1604)  
[§574.605   Applicability of uniform administrative requirements, cost principles, and audit requirements for Federal awards.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1605)  
[§574.625   Conflict of interest.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1625)  
[§574.630   Displacement, relocation and real property acquisition.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1630)  
[§574.635   Lead-based paint.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1635)  
[§574.640   Flood insurance protection.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1640)  
[§574.645   Coastal barriers.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1645)  
[§574.650   Audit.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1650)  
[§574.655   Wage rates.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1655)  
[§574.660   Housing counseling.](https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:3.1.1.3.7#se24.3.574_1660)

Authority: 12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 3535(d) and 5301-5320.

Source: 57 FR 61740, Dec. 28, 1992, unless otherwise noted.

**Subpart A—General**

**§574.3   Definitions.**

The terms *Grantee* and *Secretary* are defined in 24 CFR part 5.

*Acquired immunodeficiency syndrome (AIDS) or related diseases* means the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome, including infection with the human immunodeficiency virus (HIV).

*Administrative costs* mean costs for general management, oversight, coordination, evaluation, and reporting on eligible activities. Such costs do not include costs directly related to carrying out eligible activities, since those costs are eligible as part of the activity delivery costs of such activities.

*Applicant* means a State or city applying for a formula allocation as described under §574.100 or a State, unit of general local government, or a nonprofit organization applying for a competitive grant as described under §574.210.

*City* has the meaning given it in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

*Eligible Metropolitan Statistical Area (EMSA)* means a metropolitan statistical area that has a population of more than 500,000 and has more than 1,500 cumulative cases of AIDS.

*Eligible person* means a person with acquired immunodeficiency syndrome or related diseases who is a low-income individual, as defined in this section, and the person's family. A person with AIDS or related diseases or a family member regardless of income is eligible to receive housing information services, as described in §574.300(b)(1). Any person living in proximity to a community residence is eligible to participate in that residence's community outreach and educational activities regarding AIDS or related diseases, as provided in §574.300(b)(9).

*Eligible State* means a State that has:

(1) More than 1,500 cumulative cases of AIDS in those areas of the State outside of eligible metropolitan statistical areas that are eligible to be funded through a qualifying city; and

(2) A consolidated plan prepared, submitted, and approved in accordance with 24 CFR part 91 that covers the assistance to be provided under this part. (A State may carry out activities anywhere in the State, including within an EMSA.)

*Family* is defined in 24 CFR 5.403 and includes one or more eligible persons living with another person or persons, regardless of actual or perceived sexual orientation, gender identity, or marital status, who are determined to be important to the eligible person or person's care or well-being, and the surviving member or members of any family described in this definition who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death.

*Low-income individual* has the meaning given it in section 853(3) of the AIDS Housing Opportunity Act (42 U.S.C. 12902).

*Metropolitan statistical area* has the meaning given it in section 853(5) of the AIDS Housing Opportunity Act (42.U.S.C. 12902).

*Nonprofit organization* means any nonprofit organization (including a State or locally chartered, nonprofit organization) that:

(1) Is organized under State or local laws;

(2) Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(3) Has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has designated an entity that will maintain such an accounting system; and

(4) Has among its purposes significant activities related to providing services or housing to persons with acquired immunodeficiency syndrome or related diseases.

*Non-substantial rehabilitation* means rehabilitation that involves costs that are less than or equal to 75 percent of the value of the building after rehabilitation.

*Population* means total resident population based on data compiled by the U.S. Census and referable to the same point in time.

*Project sponsor* means any nonprofit organization or governmental housing agency that receives funds under a contract with the grantee to carry out eligible activities under this part. The selection of project sponsors is not subject to the procurement requirements of 2 CFR part 200, subpart D.

*Qualifying city* means a city that is the most populous unit of general local government in an eligible metropolitan statistical area (EMSA) and that has a consolidated plan prepared, submitted, and approved in accordance with 24 CFR part 91 that covers the assistance to be provided under this part.

*Rehabilitation* means the improvement or repair of an existing structure, or an addition to an existing structure that does not increase the floor area by more than 100 percent.

*State* has the meaning given it in section 853(9) of the AIDS Housing Opportunity Act (42 U.S.C. 12902).

*Substantial rehabilitation* means rehabilitation that involves costs in excess of 75 percent of the value of the building after rehabilitation.

*Unit of general local government* means any city, town, township, parish, county, village, or other general purpose political subdivision of a State; Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Federated States of Micronesia and Palau, the Marshall Islands, or a general purpose political subdivision thereof; and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of the National Affordable Housing Act.

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17199, Apr. 11, 1994; 60 FR 1917, Jan. 5, 1995; 61 FR 5209, Feb. 9, 1996; 61 FR 7963, Feb. 29, 1996; 77 FR 5675, Feb. 3, 2012; 80 FR 75938, Dec. 7, 2015]

**Subpart B—Formula Entitlements**

**§574.100   Eligible applicants.**

(a) Eligible States and qualifying cities, as defined in §574.3, qualify for formula allocations under HOPWA.

(b) HUD will notify eligible States and qualifying cities of their formula eligibility and allocation amounts and EMSA service areas annually.

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17199, Apr. 11, 1994; 60 FR 1917, Jan. 5, 1995]

**§574.110   Overview of formula allocations.**

The formula grants are awarded upon submission and approval of a consolidated plan, pursuant to 24 CFR part 91, that covers the assistance to be provided under this part. Certain states and cities that are the most populous unit of general local government in eligible metropolitan statistical areas will receive formula allocations based on their State or metropolitan population and proportionate number of cases of persons with AIDS. They will receive funds under this part (providing they comply with 24 CFR part 91) for eligible activities that address the housing needs of persons with AIDS or related diseases and their families (see §574.130(b)).

[61 FR 7963, Feb. 29, 1996]

**§574.120   Responsibility of applicant to serve EMSA.**

The EMSA's applicant shall serve eligible persons who live anywhere within the EMSA, except that housing assistance shall be provided only in localities within the EMSA that have a consolidated plan prepared, submitted, and approved in accordance with 24 CFR part 91 that covers the assistance to be provided under this part. In allocating grant amounts among eligible activities, the EMSA's applicant shall address needs of eligible persons who reside within the metropolitan statistical area, including those not within the jurisdiction of the applicant.

[60 FR 1917, Jan. 5, 1995]

**§574.130   Formula allocations.**

(a) *Data sources.* HUD will allocate funds based on the number of cases of acquired immunodeficiency syndrome reported to and confirmed by the Director of the Centers for Disease Control, and on population data provided by the U.S. Census. The number of cases of acquired immunodeficiency syndrome used for this purpose shall be the number reported as of March 31 of the fiscal year immediately preceding the fiscal year for which the amounts are appropriated and allocated.

(b) *Distribution of appropriated funds for entitlement awards.* (1) Seventy-five percent of the funds allocated under the formula is distributed to qualifying cities and eligible States, as described in §574.100, based on each metropolitan statistical area's or State's proportionate share of the cumulative number of AIDS cases in all eligible metropolitan statistical areas and eligible States.

(2) The remaining twenty-five percent is allocated among qualifying cities, but not States, where the per capita incidence of AIDS for the year, April 1 through March 31, preceding the fiscal year of the appropriation is higher than the average for all metropolitan statistical areas with more than 500,000 population. Each qualifying city's allocation reflects its EMSA's proportionate share of the high incidence factor among EMSA's with higher than average per capita incidence of AIDS. The high incidence factor is computed by multiplying the population of the metropolitan statistical area by the difference between its twelve-month-per-capita-incidence rate and the average rate for all metropolitan statistical areas with more than 500,000 population. The EMSA's proportionate share is determined by dividing its high incidence factor by the sum of the high incidence factors for all EMSA's with higher than average per capita incidence of AIDS.

(c) *Minimum grant.* No grant awarded under paragraph (b) of this section shall be less than $200,000. Therefore, if the calculations under paragraph (b) of this section would result in any eligible metropolitan statistical area or eligible State receiving less than $200,000, the amount allocated to that entity is increased to $200,000 and allocations to entities in excess of $200,000 are proportionately reduced by the amount of the increase.

**§574.190   Reallocation of grant amounts.**

If an eligible State or qualifying city does not submit a consolidated plan in a timely fashion, in accordance with 24 CFR part 91, that provides for use of its allocation of funding under this part, the funds allocated to that jurisdiction will be added to the funds available for formula allocations to other jurisdictions in the current fiscal year. Any formula funds that become available as a result of deobligations or the imposition of sanctions as provided for in §574.540 will be added to the funds available for formula allocations in the next fiscal year.

[57 FR 61740, Dec. 28, 1992, as amended at 60 FR 1918, Jan. 5, 1995]

**Subpart C—Competitive Grants**

**§574.200   Amounts available for competitive grants.**

(a) The Department will set aside 10 percent of the amounts appropriated under this program to fund on a competitive basis:

(1) Special projects of national significance; and

(2) Other projects submitted by States and localities that do not qualify for formula grants.

(b) Any competitively awarded funds that become available as a result of deobligations or the imposition of sanctions, as provided in §574.540, will be added to the funds available for competitive grants in the next fiscal year.

(c) The competitive grants are awarded based on applications, as described in subpart C of this part, submitted in response to a Notice of Funding Availability published in the Federal Register. All States and units of general local government and nonprofit organizations are eligible to apply for competitive grants to fund projects of national significance. Only those States and units of general local government that do not qualify for formula allocations are eligible to apply for competitive grants to fund other projects.

(d) If HUD makes a procedural error in a funding competition that, when corrected, would warrant funding of an otherwise eligible application, HUD will select that application for potential funding when sufficient funds become available.

[57 FR 61740, Dec. 28, 1992, as amended at 61 FR 7963, Feb. 29, 1996]

**§574.210   Eligible applicants.**

(a) All States, units of general local government, and nonprofit organizations, may apply for grants for projects of national significance.

(b) Only those States and units of general local government that do not qualify for formula grants, as described in §574.100; may apply for grants for other projects as described in §574.200(a)(2).

(c) Except for grants for projects of national significance, nonprofit organizations are not eligible to apply directly to HUD for a grant but may receive funding as a project sponsor under contract with a grantee.

**§574.240   Application requirements.**

Applications must comply with the provisions of the Department's Notice of Funding Availability (NOFA) for the fiscal year published in the Federal Register in accordance with 24 CFR part 12. The rating criteria, including the point value for each, are described in the NOFA, including criteria determined by the Secretary.

[61 FR 7963, Feb. 29, 1996]

**§574.260   Amendments.**

(a) After an application has been selected for funding, any change that will significantly alter the scope, location, service area, or objectives of an activity or the number of eligible persons served must be justified to HUD and approved by HUD. Whenever any other amendment to the application is made, the grantee must provide a copy to HUD.

(b) Each amendment request must contain a description of the revised proposed use of funds. Funds may not be expended for the revised proposed use of funds until:

(1) HUD accepts the revised proposed use; and

(2) For amendments to acquire, rehabilitate, convert, lease, repair or construct properties to provide housing, an environmental review of the revised proposed use of funds has been completed in accordance with §574.510.

(Approved by the Office of Management and Budget under control number 2506-0133)

**Subpart D—Uses of Grant Funds**

**§574.300   Eligible activities.**

(a) *General.* Subject to applicable requirements described in §§574.310, 574.320, 574.330, and 574.340, 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 (SRO) dwellings, and community residences. Appropriate supportive services, as required by §574.310(a), must be provided as part of any HOPWA assisted housing, but HOPWA funds may also be used to provide services independently of any housing activity.

(b) *Activities.* The following activities may be carried out with HOPWA funds:

(1) Housing information services including, but 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 guidance for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap. Housing counseling, as defined in §5.100, that is funded with or provided in connection with HOPWA funds must be carried out in accordance with §5.111. When grantees provide housing services to eligible persons (including persons undergoing relocation) that are incidental to a larger set of holistic case management services, these services do not meet the definition of Housing counseling, as defined in §5.100, and therefore are not required to be carried out in accordance with the certification requirements of §5.111;

(2) Resource identification to establish, coordinate and develop housing assistance resources for eligible persons (including conducting preliminary research and making expenditures necessary to determine the feasibility of specific housing-related initiatives);

(3) Acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing and services;

(4) New construction (for single room occupancy (SRO) dwellings and community residences only).

(5) Project- or tenant-based rental assistance, including assistance for shared housing arrangements;

(6) Short-term rent, mortgage, and utility payments to prevent the homelessness of the tenant or mortgagor of a dwelling;

(7) Supportive services including, but not limited to, health, mental health, assessment, permanent housing placement, 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, except that health services may only be provided to individuals with acquired immunodeficiency syndrome or related diseases and not to family members of these individuals;

(8) Operating costs for housing including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and other incidental costs;

(9) Technical assistance in establishing and operating a community residence, including planning and other pre-development or pre-construction expenses and including, but not limited to, costs relating to community outreach and educational activities regarding AIDS or related diseases for persons residing in proximity to the community residence;

(10) Administrative expenses:

(i) Each grantee may use not more than 3 percent of the grant amount for its own administrative costs relating to administering grant amounts and allocating such amounts to project sponsors; and

(ii) Each project sponsor receiving amounts from grants made under this program may use not more than 7 percent of the amounts received for administrative costs.

(11) For competitive grants only, any other activity proposed by the applicant and approved by HUD.

(c) *Equal participation of faith-based organizations.* The HUD program requirements in §5.109 of this title apply to the HOPWA program, including the requirements regarding disposition and change in use of real property by a faith-based organization.

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17200, Apr. 11, 1994; 68 FR 56405, Sept. 30, 2003; 80 FR 75938, Dec. 7, 2015; 81 19418, Apr. 4, 2016; 81 FR 90659, Dec. 14, 2016]

**§574.310   General standards for eligible housing activities.**

All grantees using grant funds to provide housing must adhere to the following standards:

(a)(1) *General.* The grantee shall ensure that qualified service providers in the area make available appropriate supportive services to the individuals assisted with housing under this subpart. Supportive services are described in §574.300(b)(7). For any individual with acquired immunodeficiency syndrome or a related disease who requires more intensive care than can be provided in housing assisted under this subpart, the grantee shall provide for locating a care provider who can appropriately care for the individual and for referring the individual to the care provider.

(2) *Payments.* The grantee shall ensure that grant funds will not be used to make payments for health services for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to that item or service:

(i) Under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(ii) By an entity that provides health services on a prepaid basis.

(b) *Housing quality standards.* All housing assisted under §574.300(b) (3), (4), (5), and (8) must meet the applicable housing quality standards outlined below.

(1) *State and local requirements.* Each recipient of assistance under this part must provide safe and sanitary housing that is in compliance with all applicable State and local housing codes, licensing requirements, and any other requirements in the jurisdiction in which the housing is located regarding the condition of the structure and the operation of the housing.

(2) *Habitability standards.* Except for such variations as are proposed by the locality and approved by HUD, recipients must meet the following requirements:

(i) *Structure and materials.* The structures must be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from hazards.

(ii) *Access.* The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.

(iii) *Space and security.* Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.

(iv) *Interior air quality.* Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.

(v) *Water supply.* The water supply must be free from contamination at levels that threaten the health of individuals.

(vi) *Thermal environment.* The housing must have adequate heating and/or cooling facilities in proper operating condition.

(vii) *Illumination and electricity.* The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliance while assuring safety from fire.

(viii) *Food preparation and refuse disposal.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

(ix) *Sanitary condition.* The housing and any equipment must be maintained in sanitary condition.

(c) *Minimum use period for structures.* (1) Any building or structure assisted with amounts under this part must be maintained as a facility to provide housing or assistance for individuals with acquired immunodeficiency syndrome or related diseases:

(i) For a period of not less than 10 years, in the case of assistance provided under an activity eligible under §574.300(b) (3) and (4) involving new construction, substantial rehabilitation or acquisition of a building or structure; or

(ii) For a period of not less than 3 years in the cases involving non-substantial rehabilitation or repair of a building or structure.

(2) Waiver of minimum use period. HUD may waive the minimum use period of a building or structure as stipulated in paragraph (c)(1) of this section if the grantee can demonstrate, to the satisfaction of HUD, that:

(i) The assisted structure is no longer needed to provide supported housing or assistance, or the continued operation of the structure for such purposes is no longer feasible; and

(ii) The structure will be used to benefit individuals or families whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, if the Secretary finds that such variations are necessary because of construction costs or unusually high or low family incomes.

(d) *Resident rent payment.* Except for persons in short-term supported housing, each person receiving rental assistance under this program or residing in any rental housing assisted under this program must pay as rent, including utilities, an amount which is the higher of:

(1) 30 percent of the family's monthly adjusted income (adjustment factors include the age of the individual, medical expenses, size of family and child care expenses and are described in detail in 24 CFR 5.609). The calculation of the family's monthly adjusted income must include the expense deductions provided in 24 CFR 5.611(a), and for eligible persons, the calculation of monthly adjusted income also must include the disallowance of earned income as provided in 24 CFR 5.617, if applicable;

(2) 10 percent of the family's monthly gross income; or

(3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of the payment that is designated for housing costs.

(e) *Termination of assistance*—(1) *Surviving family members.* 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 shall continue for a grace period following the death of the person with AIDS. The grantee or project sponsor shall establish a reasonable grace period for continued participation by a surviving family member, but that period may not exceed one year from the death of the family member with AIDS. The grantee or 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.

(2) *Violation of requirements*— (i) *Basis.* Assistance to participants who reside in housing programs assisted under this part may be terminated if the participant violates program requirements or conditions of occupancy, subject to the VAWA protections in 24 CFR 5.2005(b) and 24 CFR 5.2005(c). Grantees must ensure that supportive services are provided, so that a participant's assistance is terminated only in the most severe cases.

(ii) *Procedure.* In terminating assistance to any program participant for violation of requirements, grantees must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process at minimum, must consist of:

(A) Serving the participant with a written notice containing a clear statement of the reasons for termination;

(B) Permitting the participant to have a review of the decision, in which the participant is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel, before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

(C) Providing prompt written notification of the final decision to the participant.

(Paragraph (c) approved by the Office of Management and Budget under control number 2506-0133)

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17200, Apr. 11, 1994; 61 FR 7963, Feb. 29, 1996; 66 FR 6225, Jan. 19, 2001; 81 FR 80806, Nov. 16, 2016]

**§574.320   Additional standards for rental assistance.**

(a) If grant funds are used to provide rental assistance, the following additional standards apply:

(1) *Maximum subsidy.* The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between:

(i) The lower of the rent standard or reasonable rent for the unit; and

(ii) The resident's rent payment calculated under §574.310(d).

(2) *Rent standard.* The rent standard shall be established by the grantee and shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception rent for the unit size. However, on a unit by unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted.

(3) *Rent reasonableness.* The rent charged for a unit must be reasonable in relation to rents currently being charged for comparable units in the private unassisted market and must not be in excess of rents currently being charged by the owner for comparable unassisted units.

(b) With respect to shared housing arrangements, the rent charged for an assisted family or individual shall be in relation to the size of the private space for that assisted family or individual in comparison to other private space in the shared unit, excluding common space. An assisted family or individual may be assigned a pro rata portion based on the ratio derived by dividing the number of bedrooms in their private space by the number of bedrooms in the unit. Participation in shared housing arrangements shall be voluntary.

[57 FR 61740, Dec. 28, 1992, as amended at 61 FR 7963, Feb. 29, 1996]

**§574.330   Additional standards for short-term supported housing.**

Short-term supported housing includes facilities to provide temporary shelter to eligible individuals as well as rent, mortgage, and utilities payments to enable eligible individuals to remain in their own dwellings. If grant funds are used to provide such short-term supported housing assistance, the following additional standards apply:

(a) *Time limits.* (1) A short-term supported housing facility may not provide residence to any individual for more than 60 days during any six month period. Rent, mortgage, and utilities payments to prevent the homelessness of the tenant or mortgagor of a dwelling may not be provided to such an individual for these costs accruing over a period of more than 21 weeks in any 52 week period. These limitations do not apply to rental assistance provided under §574.300(b)(5).

(2) *Waiver of time limitations.* HUD may waive, as it determines appropriate, the limitations of paragraph (a)(1) and will favorably consider a waiver based on the good faith effort of a project sponsor to provide permanent housing under subsection (c).

(b) *Residency limitations*—(1) *Residency.* A short-term supported facility may not provide shelter or housing at any single time for more than 50 families or individuals;

(2) *Waiver of residency limitations.* HUD may waive, as it determines appropriate, the limitations of paragraph (b)(1) of this section.

(c) *Placement.* A short-term supported housing facility assisted under this part must, to the maximum extent practicable, provide each individual living in such housing the opportunity for placement in permanent housing or in a living environment appropriate to his or her health and social needs.

(d) *Assistance to continue independent living.* In addition to the supportive services provided when an individual is relocated to a short-term supported housing facility, supportive services may be provided to individuals when they remain in their residence because the residence is appropriate to the needs of the individual. In the latter case, a rent, mortgage and utilities payments program assisted under this part shall provide, when reasonable, supportive services specifically designed to maintain the individual in such residence.

(e) *Case management services.* A program assisted under this section shall provide each assisted individual with an opportunity, if eligible, to receive case management services from the appropriate social service agencies.

(Paragraph (b) approved by the Office of Management and Budget under control number 2506-0133)

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17200, Apr. 11, 1994]

**§574.340   Additional standards for community residences.**

(a) A community residence is a multiunit residence designed for eligible persons to provide a lower cost residential alternative to institutional care; to prevent or delay the need for such care; to provide a permanent or transitional residential setting with appropriate services to enhance the quality of life for those who are unable to live independently; and to enable such persons to participate as fully as possible in community life.

(b) If grant funds are used to provide a community residence, except for planning and other expenses preliminary to construction or other physical improvement for a community residence, the grantee must, prior to the expenditure of such funds, obtain and keep on file the following certifications:

(1) *A services agreement.* (i) A certification that the grantee will itself provide services as required by §574.310(a) to eligible persons assisted by the community residence; or

(ii) A certification that the grantee has entered into a written agreement with a project sponsor or contracted service provider to provide services as required by §574.310(a) to eligible persons assisted by the community residence;

(2) *The adequacy of funding.* (i) A certification that the grantee has acquired sufficient funding for these services; or

(ii) A certification that the grantee has on file an analysis of the service level needed for each community residence, a statement of which grantee agency, project sponsor, or service provider will provide the needed services, and a statement of how the services will be funded; and

(3) *Capability.* (i) A certification that the grantee is qualified to provide the services; or

(ii) A certification that the project sponsor or the service provider is qualified to provide the services.

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 17200, Apr. 11, 1994]

**§574.350   Additional standards for broadband infrastructure.**

Any new construction or substantial rehabilitation, as substantial rehabilitation is defined by 24 CFR 574.3, of a building with more than 4 rental units, for which HOPWA funds are first obligated by the grantee or project sponsor on or after January 19, 2017 must include installation of broadband infrastructure, as this term is defined in 24 CFR 5.100, except where the grantee or project sponsor determines and, in accordance with §574.530, documents the determination that:

(a) The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible;

(b) The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or

(c) The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

[81 FR 92637, Dec. 20, 2016]

**Subpart E—Special Responsibilities of Grantees and Project Sponsors**

**§574.400   Prohibition of substitution of funds.**

Amounts received from grants under this part may not be used to replace other amounts made available or designated by State or local governments through appropriations for use for the purposes of this part.

**§574.410   Capacity.**

The grantee shall ensure that any project sponsor with which the grantee contracts to carry out an activity under this part has the capacity and capability to effectively administer the activity.

**§574.420   Cooperation.**

(a) The grantee shall agree, and shall ensure that each project sponsor agrees, to cooperate and coordinate in providing assistance under this part with the agencies of the relevant State and local governments responsible for services in the area served by the grantee for eligible persons and other public and private organizations and agencies providing services for such eligible persons.

(b) A grantee that is a State shall obtain the approval of the unit of general local government in which a project is to be located before entering into a contract with a project sponsor to carry out an activity authorized under this part.

(c) A grantee that is a city receiving a formula allocation for an EMSA shall coordinate with other units of general local government located within the metropolitan statistical area to address needs within that area.

**§574.430   Fee prohibitions.**

The grantee shall agree, and shall ensure that each project sponsor agrees, that no fee, except rent, will be charged of any eligible person for any housing or services provided with amounts from a grant under this part.

**§574.440   Confidentiality.**

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.

**§574.450   Financial records.**

The grantee shall agree, and shall ensure that each project sponsor agrees, to maintain and make available to HUD for inspection financial records sufficient, in HUD's determination, to ensure proper accounting and disbursing of amounts received from a grant under this part.

**§574.460   Remaining participants following bifurcation of a lease or eviction as a result of domestic violence, dating violence, sexual assault, or stalking.**

When a covered housing provider exercises the option to bifurcate a lease, as provided in 24 CFR 5.2009(a), in order to evict, remove, terminate occupancy rights, or terminate assistance to a person with AIDS or related diseases that receives rental assistance or resides in rental housing assisted under the HOPWA program for engaging in criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, the covered housing provider shall provide the remaining persons residing in the unit a reasonable grace period to establish eligibility to receive HOPWA assistance or find alternative housing. The grantee or project sponsor shall set the reasonable grace period, which shall be no less than 90 calendar days, and not more than one year, from the date of the bifurcation of the lease. Housing assistance and supportive services under the HOPWA program shall continue for the remaining persons residing in the unit during the grace period. The grantee or project sponsor shall notify the remaining persons residing in the unit of the duration of the reasonable grace period and may assist them with information on other available housing programs and with moving expenses.

[81 FR 80806, Nov. 16, 2016]

**Subpart F—Grant Administration**

**§574.500   Responsibility for grant administration.**

(a) *General.* Grantees are responsible for ensuring that grants are administered in accordance with the requirements of this part and other applicable laws. Grantees are responsible for ensuring that their respective project sponsors carry out activities in compliance with all applicable requirements.

(b) *Grant agreement.* The grant agreement will provide that the grantee agrees, and will ensure that each project sponsor agrees, to:

(1) Operate the program in accordance with the provisions of these regulations and other applicable HUD regulations;

(2) Conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program;

(3) Assure the adequate provision of supportive services to the participants in the program; and

(4) Comply with such other terms and conditions, including recordkeeping and reports (which must include racial and ethnic data on participants) for program monitoring and evaluation purposes, as HUD may establish for purposes of carrying out the program in an effective and efficient manner.

(c) *Enforcement.* HUD will enforce the obligations in the grant agreement in accordance with the provisions of 2 CFR part 200, subpart D. A grantee will be provided an opportunity for informal consultation before HUD will exercise any remedies authorized in 2 CFR 200.338.

[57 FR 61740, Dec. 28, 1992, as amended at 80 FR 75938, Dec. 7, 2015]

**§574.510   Environmental procedures and standards.**

(a) Activities under this part are subject to HUD environmental regulations in part 58 of this title, except that HUD will perform an environmental review in accordance with part 50 of this title for any competitive grant for Fiscal Year 2000.

(b) The recipient, its project partners and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this part, or commit or expend HUD or local funds for such eligible activities under this part, until the responsible entity (as defined in §58.2 of this title) has completed the environmental review procedures required by part 58 and the environmental certification and RROF have been approved (or HUD has performed an environmental review and the recipient has received HUD approval of the property). HUD will not release grant funds if the recipient or any other party commits grant funds (*i.e.,* incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

(c) For activities under a grant to a nonprofit entity that would generally be subject to review under part 58, HUD may make a finding in accordance with §58.11(d) and may itself perform the environmental review under the provisions of part 50 of this title if the recipient nonprofit entity objects in writing to the responsible entity's performing the review under part 58. Irrespective of whether the responsible entity in accord with part 58 (or HUD in accord with part 50) performs the environmental review, the recipient shall supply all available, relevant information necessary for the responsible entity (or HUD, if applicable) to perform for each property any environmental review required by this part. The recipient also shall carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternate eligible property.

[68 FR 56130, Sept. 29, 2003]

**§574.520   Performance reports.**

(a) *Formula grants.* For a formula grant recipient, the performance reporting requirements are specified in 24 CFR part 91.

(b) *Competitive grants.* A grantee shall submit to HUD annually a report describing the use of the amounts received, including the number of individuals assisted, the types of assistance provided, data on emergency transfers requested under 24 CFR 5.2005(e), pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests, and any other information that HUD may require. Annual reports are required until all grant funds are expended.

[60 FR 1918, Jan. 5, 1995, as amended at 81 FR 80806, Nov. 16, 2016]

**§574.530   Recordkeeping.**

Each grantee must ensure that records are maintained for a 4-year period to document compliance with the provisions of this part. Grantees must maintain the following:

(a) Current and accurate data on the race and ethnicity of program participants.

(b) Documentation related to the formula grantee's Assessment of Fair Housing, as described in 24 CFR 5.168.

(c) Data on emergency transfers requested under 24 CFR 5.2005(e), pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

[80 FR 42368, July 16, 2015, as amended at 81 FR 80806, Nov. 16, 2016]

**§574.540   Deobligation of funds.**

HUD may deobligate all or a portion of the amounts approved for eligible activities if such amounts are not expended in a timely manner, or the proposed activity for which funding was approved is not provided in accordance with the approved application or action plan and the requirements of this regulation. HUD may deobligate any amount of grant funds that have not been expended within a three-year period from the date of the signing of the grant agreement. The grant agreement may set forth other circumstances under which funds may be deobligated or sanctions imposed.

[61 FR 7963, Feb. 29, 1996]

**Subpart G—Other Federal Requirements**

**§574.600   Cross-reference.**

The Federal requirements set forth in 24 CFR part 5 apply to this program as specified in this subpart.

[61 FR 5209, Feb. 9, 1996]

**§574.603   Nondiscrimination and equal opportunity.**

Within the population eligible for this program, the nondiscrimination and equal opportunity requirements set forth in 24 CFR part 5 and the following requirements apply:

(a) *Fair housing requirements.* (1) Grantees and project sponsors shall comply with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. 12101-12213) and implementing regulations at 28 CFR part 35 (States and local government grantees) and part 36 (public accommodations and requirements for certain types of short-term housing assistance).

(2) Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086, and 12107 (3 CFR, 1964-1965 Comp., p. 339; 3 CFR, 1966-1970 Comp., p. 684; 3 CFR, 1966-1970 Comp., p. 803; 3 CFR 1978 Comp., p. 230; and 3 CFR, 1978 Comp., p. 264) (Equal Employment Opportunity) does not apply to this program.

(b) *Affirmative outreach.* A grantee or project sponsor must adopt procedures to ensure that all persons who qualify for the assistance, regardless of their race, color, religion, sex, age, national origin, familial status, or handicap, know of the availability of the HOPWA program, including facilities and services accessible to persons with a handicap, and maintain evidence of implementation of the procedures.

[57 FR 61740, Dec. 28, 1992, as amended at 59 FR 33894, June 30, 1994. Redesignated and amended at 61 FR 5209, Feb. 9, 1996; 61 FR 7964, Feb. 29, 1996]

**§574.604   Protections for victims of domestic violence, dating violence, sexual assault, and stalking.**

(a) *General*—(1) *Applicability of VAWA requirements.* Except as provided in paragraph (a)(2) of this section, the Violence Against Women Act (VAWA) requirements set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), apply to housing assisted with HOPWA grant funds for acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing; new construction; and operating costs, as provided in §574.300. The requirements set forth in 24 CFR part 5, subpart L, also apply to project-based and tenant-based rental assistance, as provided in §§574.300 and 574.320, and community residences, as provided in §574.340.

(2) Limited applicability of VAWA requirements. The VAWA requirements set forth in 24 CFR part 5, subpart L do not apply to short-term supported housing, as provided in §574.330, except that no individual may be denied admission to or removed from the short-term supported housing on the basis or as a direct result of the fact that the individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual otherwise qualifies for admission or occupancy.

(3) The terms “affiliated individual,” “dating violence,” “domestic violence,” “sexual assault,” and “stalking” are defined in 24 CFR 5.2003.

(b) *Covered housing provider.* As used in this part, the term, “covered housing provider,” which is defined in 24 CFR 5.2003, refers to the HOPWA grantee, project sponsor, or housing or facility owner, or manager, as described in this section.

(1)(i) For housing assisted with HOPWA grant funds for acquisition, rehabilitation, conversion, lease, and repair of facilities to provide housing; new construction; operating costs; community residences; and project-based rental assistance, the HOPWA grantee is responsible for ensuring that each project sponsor undertakes the following actions (or, if administering the HOPWA assistance directly, the grantee shall undertake the following actions):

(A) Sets a policy for determining the “reasonable grace period” for remaining persons residing in the unit to establish eligibility for HOPWA assistance or find alternative housing, which period shall be no less than 90 calendar days nor more than one year from the date of bifurcation of a lease, consistent with 24 CFR 574.460;

(B) Provides notice of occupancy rights and the certification form at the times listed in paragraph (d) of this section;

(C) Adopts and administers an emergency transfer plan, as developed by the grantee in accordance with 24 CFR 5.2005(e) of this section, and facilitates emergency transfers; and

(D) Maintains the confidentiality of documentation submitted by tenants requesting emergency transfers and of each tenant's housing location consistent with §574.440 and 24 CFR 5.2007(c).

(ii)(A) If a tenant seeks VAWA protections, set forth in 24 CFR part 5, subpart L, the tenant must submit such request through the project sponsor (or the grantee if the grantee is directly administering HOPWA assistance). Grantees and project sponsors will work with the housing or facility owner or manager to facilitate protections on the tenant's behalf. Project sponsors must follow the documentation specifications in 24 CFR 5.2007, including the confidentiality requirements in 24 CFR 5.2007(c).

(B) The grantee or project sponsor is responsible for ensuring that the housing or facility owner or manager develops and uses a HOPWA lease addendum with VAWA protections and is made aware of the option to bifurcate a lease in accordance with §574.460 and 24 CFR 5.2009.

(2)(i) For tenant-based rental assistance, the HOPWA grantee is responsible for ensuring that each project sponsor providing tenant-based rental assistance undertakes the following actions (or, if administering the HOPWA assistance directly, the grantee shall undertake the following actions):

(A) Sets policy for determining the “reasonable grace period” for remaining persons residing in the unit to establish eligibility for HOPWA assistance or find alternative housing, which period shall be no less than 90 calendar days and no more than one year from the date of bifurcation of a lease, consistent with 24 CFR 574.460;

(B) Provides notice of occupancy rights and the certification form at the times listed in paragraph (d) of this section;

(C) Adopts and administers an emergency transfer plan, as developed by the grantee in accordance with 24 CFR 5.2005(e) of this section, and facilitates emergency transfers; and

(D) Maintains the confidentiality of documentation submitted by tenants requesting emergency transfers and of each tenant's housing location consistent with §574.440 and 24 CFR 5.2007(c).

(ii)(A) If a tenant seeks VAWA protections set forth in 24 CFR part 5, subpart L, the tenant must submit such request through the project sponsor (or the grantee if the grantee is directly administering HOPWA assistance). The project sponsor will work with the housing owner or manager to facilitate protections on the tenant's behalf. Project sponsors must follow the documentation specifications in 24 CFR 5.2007, including the confidentiality requirements in 24 CFR 5.2007(c). The project sponsor (or the grantee if the grantee is directly administering HOPWA assistance) is also responsible for determining on a case-by-case basis whether to provide new tenant-based rental assistance to a remaining tenant if lease bifurcation or an emergency transfer results in division of the household.

(B) The grantee or project sponsor is responsible for ensuring that the housing owner or manager develops and uses a HOPWA lease addendum with VAWA protections and is made aware of the option to bifurcate a lease in accordance with §574.460 and 24 CFR 5.2009.

(c) *Effective date.* The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking applied upon enactment of VAWA 2013 on March 7, 2013. For formula grants, compliance with the VAWA regulatory requirements under this section and 24 CFR part 5, subpart L, are required for any project covered under §574.604(a) for which the date of the HOPWA funding commitment is made on or after *December 16, 2016.* For competitive grants, compliance with the VAWA regulatory requirements under this section and 24 CFR part 5, subpart L, are required for awards made on or after *December 16, 2016.*

(d) *Notification requirements.* (1) As provided in paragraph (b) of this section, the grantee is responsible for ensuring that the notice of occupancy rights and certification form described in 24 CFR 5.2005(a) is provided to each person receiving project-based or tenant-based rental assistance under HOPWA or residing in rental housing assisted under the eligible activities described in §574.604(a) at the following times:

(i) At the time the person is denied rental assistance or admission to a HOPWA-assisted unit;

(ii) At the time the person is admitted to a HOPWA-assisted unit or is provided rental assistance;

(iii) With any notification of eviction from the HOPWA-assisted unit or notification of termination of rental assistance; and

(iv) During the 12-month period following December 16, 2016, either during annual recertification or lease renewal, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year after the rule takes effect, through other means.

(2) The grantee is responsible for ensuring that, for each tenant receiving HOPWA tenant-based rental assistance, the owner or manager of the tenant's housing unit commits to provide the notice of occupancy rights and certification form described in 24 CFR 5.2005 with any notification of eviction that the owner or manager provides to the tenant during the period for which the tenant is receiving HOPWA tenant-based rental assistance. This commitment, as well as the confidentiality requirements under 24 CFR 5.2007(c), must be set forth in the VAWA lease term/addendum required under paragraph (f) of this section.

(e) *Definition of reasonable time.* For the purpose of 24 CFR 5.2009(b), the reasonable time to establish eligibility or find alternative housing following bifurcation of a lease is the reasonable grace period described in §574.460.

(f) *VAWA lease term/addendum.* As provided in paragraph (b) of this section, the grantee or project sponsor is responsible for ensuring that the housing or facility owner or manager, as applicable, develops and uses a VAWA lease term/addendum to incorporate all requirements that apply to the housing or facility owner or manager under 24 CFR part 5, subpart L, and this section, including the prohibited bases for eviction under 24 CFR 5.2005(b), the provisions regarding construction of lease terms and terms of assistance under 24 CFR 5.2005(c), and the confidentiality of documentation submitted by tenants requesting emergency transfers and of each tenant's housing location consistent with 24 CFR 5.2007(c). The VAWA lease term/addendum must also provide that the tenant may terminate the lease without penalty if a determination is made that the tenant has met the conditions for an emergency transfer under 24 CFR 5.2005(e). The grantee or project sponsor is responsible for ensuring that the housing or facility owner, or manager, as applicable, adds the VAWA lease term/addendum to the leases for all HOPWA-assisted units and the leases for all eligible persons receiving HOPWA tenant-based rental assistance.

[81 FR 80806, Nov. 16, 2016]

**§574.605   Applicability of uniform administrative requirements, cost principles, and audit requirements for Federal awards.**

The provisions of 2 CFR part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”, apply to HOPWA grants.

[80 FR 75938, Dec. 7, 2015]

**§574.625   Conflict of interest.**

(a) In addition to the conflict of interest requirements in 2 CFR 200.317 (for recipients and subrecipients that are States) and 2 CFR 200.318 (for recipients and subrecipients that are not States), no person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee or project sponsor and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

(b) *Exceptions: Threshold requirements.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (a) of this section when it determines that the exception will serve to further the purposes of the HOPWA program and the effective and efficient administration of the recipient's program or project. An exception may be considered only after the recipient has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(c) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (b) of this section, HUD will consider the cumulative effect of the following factors, where applicable:

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(2) Whether the person affected is a member of a group or class of eligible persons and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (a) of this section;

(5) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(6) Any other relevant considerations.

[57 FR 61740, Dec. 28, 1992, as amended at 80 FR 75938, Dec. 7, 2015]

**§574.630   Displacement, relocation and real property acquisition.**

(a) *Minimizing displacement.* Consistent with the other goals and objectives of this part, grantees and project sponsors must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under this part.

(b) *Relocation assistance for displaced persons.* A displaced person (defined in paragraph (f) of this section) must be provided relocation assistance at the levels described in, and in accordance with the requirements of, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR part 24.

(c) *Real property acquisition requirements.* The acquisition of real property for a project is subject to the URA and the requirements described in 49 CFR part 24, subpart B.

(d) *Appeals.* A person who disagrees with the grantee's or project sponsor's determination concerning whether the person qualifies as a “displaced person,” or the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the grantee. A low-income person who is dissatisfied with the grantee's determination on his or her appeal may submit a written request for review of that determination to the HUD Field Office.

(e) *Responsibility of grantee.* (1) Each grantee shall certify (i.e., provide assurance of compliance as required by 49 CFR part 24) that it will comply with the URA, the regulations at 49 CFR part 24, and the requirements of this section, and shall ensure such compliance notwithstanding any third party's contractual obligation to the grantee to comply with these provisions.

(2) The cost of required relocation assistance is an eligible project cost in the same manner and to the same extent as other project costs. Such costs also may be paid for with funds available from other sources.

(3) The grantee shall maintain records in sufficient detail to demonstrate compliance with these provisions.

(f) *Definition of displaced person.* (1) For purposes of this section, the term “displaced person” means a person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under this part. This includes any permanent, involuntary move for an assisted project including any permanent move for an assisted project, including any permanent move from the real property that is made:

(i) After notice by the grantee, project sponsor, or property owner to move permanently from the property, if the move occurs on or after the date that the grantee submits to HUD an application for assistance that is later approved and funded;

(ii) Before the submission of the application to HUD, if the grantee, project sponsor, or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the assisted project; or

(iii) By a tenant-occupant of a dwelling unit, if any one of the following three situations occurs:

(A) The tenant moves after the “initiation of negotiations” and the move occurs before the tenant has been provided written notice offering him or her the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex, under reasonable terms and conditions, upon completion of the project. Such reasonable terms and conditions include a monthly rent and estimated average monthly utility costs that do not exceed the greater of:

(*1*) The tenant's monthly rent before the initiation of negotiations and estimated average utility costs, or

(*2*) 30 percent of gross household income; or

(B) The tenant is required to relocate temporarily, does not return to the building/complex and either:

(*1*) The tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or

(*2*) Other conditions of the temporary relocation are not reasonable; or

(C) The tenant is required to move to another unit in the same building/complex but is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move, or other conditions of the move are not reasonable.

(2) Notwithstanding the provisions of paragraph (f)(1) of this section, a person does not qualify as a “displaced person” (and is not eligible for relocation assistance under the URA or this section), if:

(i) The person has been evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation or applicable Federal, State or local law, or other good cause, and HUD determines that the eviction was not undertaken for the purposes of evading the obligation to provide relocation assistance;

(ii) The person moved into the property after the submission of the application and, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase) and the fact that the person would not qualify as a “displaced person” (or for any assistance provided under this section), if the project is approved;

(iii) The person is ineligible under 49 CFR 24.2(g)(2); or

(iv) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

(3) The grantee or project sponsor may request, at any time, HUD's determination of whether a displacement is or would be covered under this section.

(g) *Definition of initiation of negotiations.* For purposes of determining the formula for computing the replacement housing assistance to be provided to a residential tenant displaced as a direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, the term “initiation of negotiations” means the execution of the agreement between the grantee and the project sponsor.

**§574.635   Lead-based paint.**

The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at part 35, subparts A, B, H, J, K, M, and R of this part apply to activities under this program.

[64 FR 50226, Sept. 15, 1999]

**§574.640   Flood insurance protection.**

No property to be assisted under this part may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(a)(1) The community in which the area is situated is participating in the National Flood Insurance Program and the regulations thereunder (44 CFR parts 59 through 79); or

(2) Less than a year has passed since FEMA notification regarding such hazards; and

(b) The grantee will ensure that flood insurance on the structure is obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*).

**§574.645   Coastal barriers.**

In accordance with the Coastal Barrier Resources Act, 16 U.S.C. 3501, no financial assistance under this part may be made available within the Coastal Barrier Resources System.

**§574.650   Audit.**

Grantees and project sponsors are subject to the audit requirements set forth in 2 CFR part 200, subpart F.

[80 FR 75938, Dec. 7, 2015]

**§574.655   Wage rates.**

The provisions of the Davis-Bacon Act (40 U.S.C. 276a-276a-5) do not apply to this program, except where funds received under this part are combined with funds from other Federal programs that are subject to the Act.

[59 FR 17201, Apr. 11, 1994]

**§574.660   Housing counseling.**

Housing counseling, as defined in §5.100, that is funded with or provided in connection with HOPWA funds must be carried out in accordance with §5.111. When grantees provide housing services to eligible persons (including persons undergoing relocation) that are incidental to a larger set of holistic case management services, these services do not meet the definition of housing counseling, as defined in §5.100, and therefore are not required to be carried out in accordance with the certification requirements of §5.111.

[81 FR 90659, Dec. 14, 2016, as amended at 82 FR 8811, Jan. 31, 2017]