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City of Las Vegas
Neighborhood Services Department

PROJECT SPONSOR PROGRAM
MANUAL

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS "HOPWA"
# Table of Contents

## Introduction

I. Program Description

   A. Background ......................................................... 2
   B. Goals and Objectives ............................................. 2
   C. Policy ............................................................... 2
      Contractual Agreement ........................................... 3
      Pre-Contract Documents .......................................... 3
      Post-Award Responsibilities ..................................... 4
      Site Visits, Monitoring, and Audits ............................. 4

II. Administrative Provisions

   A. Written Agreement with City .................................... 5
   B. Post-Award Responsibilities ..................................... 5
   C. Federal Requirements ............................................ 5
   D. Insurance ........................................................... 5
   E. Unexpended Funds ............................................... 5
   F. Definitions ........................................................ 6
   G. HOPWA Funds Homeless Prevention Chart ....................... 8
   H. HOPWA Program Requirements .................................. 8
   I. Monthly Reports to City Council ................................ 8
   J. Client Documentation By Project Sponsor ....................... 8
   K. Project Sponsor-Owned Rental Housing and TBRA ............ 10
   L. Supportive Services .............................................. 12
   M. Housing Placement and Housing Information Services .......... 12
   N. Short Term Rent, Mortgage, and Utility Assistance (STRMU) Instructions .... 12
   O. STRMU 21 Weeks Calculation Explanation ..................... 13
   P. STRMU Chart ....................................................... 14

General Record Keeping .................................................. 15

   A. Equipment and Inventory Records ............................... 15
   B. Permanent Files .................................................. 15
   C. Record Retention Period .......................................... 15
   D. Access to Records ............................................... 15
   E. General Responsibilities ......................................... 15
   F. Finance Officer Responsibilities ................................. 15

Internal Controls .......................................................... 16

III. Financial Management

   Accounting Records .................................................. 16

      A. Accounting Systems ............................................. 16
      B. Allowable Costs ................................................ 16
      C. Source Documents & Records ................................... 16
         1. Service Contracts .......................................... 17
         2. Invoices/Check Requests .................................... 17
         3. Payroll Records ............................................ 17
         Budget Controls ............................................... 17
D. Subcontracts
1. Provisions Required in Subcontracts
2. Review of Subcontracts by City
3. Required Subcontract Documentation
4. Types of Subcontractors Covered Under This Section
5. Types of Subcontracts Not Covered Under This Section
E. 24 CFR Part 84 Codes of Conduct
F. Conflict of Interest
G. Federal Regulation 24 CFR Part 574.625 Conflict of Interest

IV. General HUD Information

- HUD Income Guidelines
- Fair Market Rents
- Conditions of Federal Funding
- Guidance on Restricted Use of HOWPA Funds for Healthcare Costs

Monitoring

A. Compliance Reviews
B. Programmatic Close-Out
C. Financial Close-Out
D. Intervention and Sanctions
E. Monitoring Program Manual

V. Exhibits

1. HOPWA Assistance Application
2. Physicians Statement of HIV Verification
3. Verification of No Income
4. Permission to Share Confidential Information
5. HOPWA Housing Assistance Application
6. HOPWA Housing Assistance Worksheet
7. HOPWA Contact Note
8. HOPWA File History Log
9. HOWPA Client File Checklist
10. Gross Income Worksheet
11. Adjusted Income Resident Rent Calculation Worksheet
12. Landlord's Rental Assistance Agreement
13. HOPWA Long-Term Rental Assistance Client Service Agreement
14. Shared Housing Rent Calculation
15. Utility Allowance Chart (Sample Multi-Family)
16. Utility Allowance Chart (Sample Single Family)
17. Rent Reasonableness Checklist and Certification
18. Tenant or Agency Inspection Checklist and Smoke Detector Verification
19. HOPWA Housing Quality Standards Certification (HQS)
20. Lead Paint Poisoning
21. Termination Record Sheet
22. STRMU Calculation Sheet
23. Rental Agreement STRMU Assistance Fund
24. Client Housing Plan
25. Monthly HOPWA Reporting Form
26. Request for Release of Funds
27. Line Item Expense Form................................................................................. 68
28. Budget Modification and Revision Request Form ...................................... 69
29. Time Card..................................................................................................... 70
30. Procurement Form....................................................................................... 71
31. Standard Agreement for the Provision of Subcontracts................................. 72
32. Accessibility Questionnaire.......................................................................... 74
33. Project Sponsor Monitoring Form ................................................................. 77

Appendix
A. HOPWA Questions and Answers for Case Managers................................. 85
B. Accepted Forms of Income Verification ........................................................ 89
C. Other Information That May Require Verification ......................................... 91
D. Checklist of Common Errors in Rent Calculation ......................................... 92
E. Income Exclusions......................................................................................... 93
F. CPD Notice 06-07 (STRMU) ....................................................................... 95
G. Section 504 Non-Discrimination Explanation .............................................. 110
H. Consolidated Annual Performance and Evaluation Report (CAPER) .............. 114
I. HOPWA Regulations (24 CFR Part 574) .................................................... 130
J. Summary OMB Circular A-122 .................................................................... 147
K. Summary OMB Circular A-110 .................................................................... 150
L. Summary OMB Circular A-133 .................................................................... 153
M. 24 CFR Part 84 Grants and Agreements with Non-Profit Organizations ....... 158

Acronym Abbreviations
INTRODUCTION

Housing Opportunities For Persons With AIDS (HOPWA)

The HOPWA grant is an entitlement grant program based on a renewable funding source pursuant to the number of Human Immunodeficiency Virus (HIV) positive diagnoses as reported to the CDC (Center for Disease Control) by Clark County Health District. The HOPWA grant covers Clark County, Nevada. This area is called the “EMSA” – Eligible Metropolitan Statistical Area. The EMSA no longer includes Nye County, Nevada and Mohave County, Arizona. The HOPWA grant allocation is based on the prior year’s HIV positive diagnoses in the EMSA, which the Clark County Health District submits to the CDC. Metropolitan areas with a population of more than 500,000 and at least 1,500 cumulative AIDS cases are eligible for HOPWA Formula Grants. In these areas, the largest city serves as the Formula Grant Administrator.

HOPWA funds are used to assist those who are infected or affected by HIV/ Acquired Immunodeficiency Syndrome (AIDS). One of the grant’s purposes is to prevent homelessness in the HIV/AIDS community. HOPWA funds are intended to be used in conjunction with other resources, including programs involving health care and supportive services for persons with HIV/AIDS under the Ryan White CARE Act and other Federal, State, local and private sources.

HOPWA provides several forms of housing assistance and essential support services. Housing assistance is based on Fair Market Rents for the locale. HOPWA is administered similarly to other HUD grants, i.e. a client must meet the HUD Section 8 income qualifications. The difference between the two grants is the specific clients who are served. Under HOPWA the client must be HIV positive. The affected family or caregiver may also qualify for assistance.

HOPWA can also pay for housing acquisition and housing rehabilitation. There are two categories under housing rehabilitation: 1) 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. 2) Substantial Rehabilitation means rehabilitation that involves costs in excess of 75 percent of the value of the building after rehabilitation.

Minimum use period for structures. The HOPWA grant carries the provision that for non-substantial rehabilitation or repair there is a requirement that the facility must provide housing for HIV/AIDS individuals and their families for a minimum of three (3) years. For substantial rehabilitation or acquisition the period is not less than ten (10) years.

The rental assistance payments, which HOPWA clients receive, are based on a percentage formula of their family/household income. Forms to calculate a client’s gross and net income, after exclusions, are in this manual. The maximum percentage of the grant that can be used for administrative expenses is 7% for the Provider agency.
I. PROGRAM DESCRIPTION

A. Background
The statutory purpose of the HOPWA program is to provide states and localities with resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low-income persons living with HIV/AIDS and their families. This focus on providing housing assistance and related support services for HOPWA-eligible clients will reduce the risk of homelessness for this population and increase access to appropriate healthcare and other support.

B. Goals and Objectives:
- Meet HUD’s national goal of increasing the availability of decent, safe, and affordable housing for low-income people living with HIV/AIDS.
- Create and support affordable housing units for people living with HIV/AIDS by matching HOPWA funds with other resources through community planning for comprehensive housing strategies.
- Create partnerships and innovative strategies among state and local governments and community-based non-profit organizations to identify and serve the housing and supportive service needs of people living with HIV/AIDS.

HUD Performance Measurement System HOPWA Objective: Decent Housing
The statutory purpose of the HOPWA Program is to meet the housing needs of low-income persons with HIV/AIDS and their families. As a result, the objective will generally be Decent Housing.

HUD Performance Measurement System HOPWA Outcome: Affordability
The outcome for HOPWA activities will most commonly be Affordability, but in some instances may be Availability/Accessibility.

Outcomes:
HOPWA-assisted households have been enabled to:
- Establish or better maintain a stable living environment.
- Improve access to care or support.
- Reduce the risk of homelessness.

The HOPWA grant year used by the City of Las Vegas is based on the City’s fiscal year of July 1st to June 30th. Although the Federal fiscal year is October to September, HUD allows cities and counties to use their own fiscal years, as long as they are no more than three months apart. Non-entitlement grants, such as the HUD Supportive Housing Program grant or the Ryan White grant (HRSA) use a different fiscal year and reporting period.

C. Policy
Prior to contract execution, all Project Sponsors must have the needed support, confirmed matching resources, sufficiently developed plans, a program site, and budget to start the proposed program after the funding approval and complete the program within one year after start up. Programs should be able to begin on July 1st the beginning of the City’s Fiscal Year. Funds are not always available on July 1st; however, the City may reimburse your agency for the funds expended after July 1st. Funds must be spent in a timely manner.

Subrecipients are expected to spend at least 50% of the reimbursement by December 31st of the program year. Unspent funds are subject to potential reprogramming to other eligible programs as approved by the City Council.

All funds must be expended by June 30th of the program year, with Request for Funds and Monthly Client Reports submitted by July 10th. Unspent funds cannot be carried forward and are forfeited.
## PRE- AND POST-CONTRACT PROCEDURES

### Summary of Procedures and Responsibilities

<table>
<thead>
<tr>
<th>General Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Release of Funds</strong></td>
</tr>
<tr>
<td><strong>Orientation and Technical Assistance Session for first time HOPWA agencies</strong></td>
</tr>
<tr>
<td><strong>Environmental Clearance Required</strong></td>
</tr>
<tr>
<td><strong>Project Notice to Proceed</strong></td>
</tr>
<tr>
<td><strong>Agreement</strong></td>
</tr>
<tr>
<td><strong>Procurement Requirements</strong></td>
</tr>
</tbody>
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<table>
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<tr>
<th>Pre-Contract Documents</th>
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<tr>
<td><strong>Affirmative Action Requirements</strong></td>
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**Certificate of Insurance** – Each agency must provide a Certificate of Insurance for Worker’s Compensation if staff is paid with HOPWA funds, and General Liability at the minimum limits outlined in the HOPWA contract and in a separate section of this manual. In some cases the agency may need to provide three separate certificates if the agency’s auto and general liability and worker’s compensation insurance carriers are handled by different companies or agents. On the insurance certificate(s), the City of Las Vegas, a Municipal Corporation, its officers, agents, and employees, are to be shown as “additional insured” and the Neighborhood Services Department, Neighborhood Development Division, 400 Stewart Avenue, 2nd Floor, Las Vegas, NV 89101-2986, are to be shown as “certificate holder”.

**Taxpayer Identification Information Form** – A W-9 form is required by IRS regulation and must be on file with the City prior to payment request. Newly funded agencies must complete and return to your City HOPWA representative.

**Vendor Profile** – Anyone doing business with the City, must complete a Vendor Profile on line. This form is located on the City's Website at [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov). Go to Departments, Finance, "Information about doing business with the city", for instructions. This information is used to process all payments. All newly funded agencies must provide the information.

**Construction/Rehab Projects** – Must follow the provisions as stated in the Construction/Rehabilitation Guidelines, prior to start of project.

**Acquisition, Construction & Rehab Projects Requirements** – A 10-year Deed of Trust is required on all property funded for purchase, construction or substantial rehabilitation with HOPWA grant funds.

**Non-Substantial Rehabilitation Requirements** - Non-substantial housing rehabilitation requires a three year commitment by the agency to serve the HIV/AIDS community.

**Post Award Responsibilities**

**Post-Award Responsibilities** – Maintain no member of the Board of Directors as a paid employee, agent or subcontractor.

**Site Visits, Monitoring, and Audits**

**Audit Required** – An audit for the agency’s most recent fiscal or calendar year should be provided, including any management letters and any responses the agency has made to findings in the audit. Please refer to the Financial Requirements in this manual.

**Monitoring Site Visits** – Annually, the City will conduct on site monitoring visits. The purpose is to ensure compliance with 24 CFR Part 574 and to review the agency’s fiscal, management, program documentation, operational procedures, compliance with ADA requirements, and services offered.
II. **ADMINISTRATION**

A. **Written Agreement with City**  
A written agreement must be entered into between the City and all entities receiving HOPWA funds. The written agreement forms the basis for the contractual obligation between the parties to fund and implement the activity, program, or project. The agreement will denote responsibilities attributable to each party, and shall outline in exact measure the scope of services to be provided, methods of accountability, and a schedule for payment. Execution of the agreement binds the Project Sponsor for a specified period of time, and is changeable only upon written authorization from the City.

B. **Post-Award Responsibilities**  
Upon execution of the agreement between the City and the Project Sponsor, the Project Sponsor shall:

1. Immediately report any changes in its articles of incorporation, bylaws, or tax-exempt status to the City.
2. Maintain no member of the Board of Directors as a paid employee, agent or subcontractor. This is a direct conflict of interest; no pay or stipends will be considered for Board members.
3. Include on the Board of Directors representation from the broadest possible cross-section of the community, including those with expertise and interest in the provided services, representatives from community organizations interested in the services, and users of the services.
4. Open to the public all meetings of the Board of Directors, except meetings, or portions thereof, dealing with personnel or litigation matters.
5. Keep minutes of all regular and special meetings of the Board of Directors, have a regular meeting at least once a quarter, and upon request, forward copies to the HOPWA coordinator.

C. **Federal Requirements**  
Project Sponsors must comply with all applicable federal regulations governing the use of HOPWA funds in addition to Office of Management and Budget (OMB) Circulars. These regulations include but may not be limited to those identified on the “Conditions of Federal Funding”, page 33 and the attached summaries of OMB Circulars A-122 (Appendix J) and A-133 (Appendix L). In addition, HUD Regulations 24 CFR Part 574, HOPWA Regulations Appendix I and 24 CFR Part 84, Grants, And Agreements With Institutions Of Higher Education, Hospitals And Other Non-Profit Organizations (Appendix M), must also be adhered to.

D. **Insurance (All Projects)**  
Project Sponsors shall obtain and maintain the minimum insurance coverage as outlined in Insurance Requirements.

E. **Unexpended Funds**  
HOPWA funds must be spent in a timely manner. Unless an alternative spending plan has been approved in writing by Neighborhood Services, twenty-five (25%) of the award must be spent at least quarterly. To ensure compliance with this requirement, the following spending requirements of the HOPWA grant are included in the agreement: ten percent (10%) ten percent must be expended by September 30th; (50%) must be expended by December 31st, seventy-five percent (75%) must be expended by March 30th, or the funds will be reprogrammed. The Completed Request for Funds (Exhibit 26) and Monthly Client Reporting Forms (Exhibit 25) for the first quarter must be received by October 15th; the second quarter must be received by January 10th, and the third quarter must be received by March 15th. Agencies that do not follow these guidelines may have the difference between expected expenditures and spent funds reallocated. In addition, agencies that fail to utilize all funds during the fiscal year may have funds removed from any future HOWPA funding allocation.
F. Definitions

Administrative Costs  Expenditures 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. Limited to 7 percent (%) maximum for project sponsors.

Eligible Person  A person with acquired immunodeficiency syndrome or related diseases who is a low-income individual, 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. 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.

Facility-Based Housing Development  Expenditures associated with the acquisition, rehabilitation, conversion, or repair of facilities to provide housing to HOPWA-eligible households. Also includes costs related to new construction for single room occupancy (SRO) dwellings and community residences.

Facility-Based Housing Operations  Expenditures associated with leasing a building, general housing operations (e.g., maintenance, security, insurance, utilities, furnishings, equipment, supplies), and the provision of project-based rental assistance.

Facility-Based Non-Housing  Expenditures associated with the construction, acquisition, rehabilitation, conversion, lease, or repair of a non-housing facility, such as a supportive services facility or an emergency shelter.

Fair Market Rent (FMR)  Maximum rent by bedroom size a client can rent. If utilities are not included, use the Utility Allowance Chart and subtract that amount from the FMR to determine maximum rent. The FMR’s are established by HUD on an annual basis, and are typically updated in the spring.

Family  A household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their 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 death.

Housing Information Services  Information and referral services to assist eligible persons with locating, acquiring, financing, and maintaining housing. Activities may include housing counseling, housing advocacy, housing search assistance, etc.

Housing Operations  Operating costs for housing include maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and other incidental costs.

Housing Quality Standards  All housing assisted, except short-term housing, must meet applicable Federal (HUD), state and local housing quality standards.

Maximum Rental Subsidy  The amount of HOPWA funds used to pay monthly assistance for an eligible person may not exceed the difference between: 1) the lower of the Fair Market Rent or reasonable rent for the unit; and 2) the resident’s rent payment calculated under “Resident rent payment”. The Fair Market Rent is the HUD Section 8 fair market rent for the unit size. (Published annually by HUD.) The local Housing Authorities have set the local FMR to match the Payment Standard.

Permanent Housing Placement  Expenditures that help establish a household in a housing unit, including (but not limited to) application fees, related credit checks, and reasonable security deposits necessary to move persons into permanent housing, provided such deposits do not exceed two months of rent and are designated to be returned to the program.

Project Sponsor  Any nonprofit organization or governmental housing agency that receives funds under a contract with the grantee (City) to carry out eligible HOPWA activities under this part. The selection of project sponsors is not subject to the procurement requirements of 24 CFR Part 85.36.
Rehabilitation  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.

Substantial rehabilitation means rehabilitation that involves costs in excess of 75 percent of the value of the building after rehabilitation. Requires a deed of trust.

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. Does not require a deed of trust.

Resident Rent Payment  Except for persons in short-term housing, each person receiving rental assistance under HOPWA or residing in any rental housing assisted under HOPWA must pay as rent, including utilities, an amount which is the higher of:

30 percent of the family’s monthly adjusted income;
10 percent of the family’s monthly gross income;

Resource Identification  Activities to establish, coordinate, and develop housing assistance resources for eligible persons.

Short-Term Rent, Mortgage and Utility (STRMU) Assistance  A housing subsidy provided to prevent homelessness of mortgagers or renters in their current place of residence. Grantees may provide assistance for rent, mortgage, or utilities for a period of up to 21 weeks in any 52-week period. Ongoing assessment of need is required and individual service plans must address housing stability.

Short-Term 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. Short-term housing and utility assistance has time limits.

Time Limits  HOPWA cannot provide more than 60 days of funding, during a six-month period, for an individual to reside in a short-term housing facility, i.e. a homeless shelter.

These time limitations do not apply to rental assistance provided under project or tenant-based rental assistance, including assistance for shared housing arrangements, i.e. permanent housing.

Supportive Services  Expenditures for services that improve the health and well-being of eligible persons and their family members. Services may be provided in conjunction with housing assistance or separately. Examples include case management, meals and nutritional services, adult day care, education, employment assistance, alcohol and drug abuse services, mental health services, transportation assistance, and limited use of funds for uncovered medical services (subject to program limitations).

Tenant-Based Rental Assistance (TBRA)  A housing subsidy provided for use on the open rental market. The tenant holds a lease with a private landlord for a unit that is rented at or under Fair Market Rent and that meets Housing Quality/Habitability Standards.

Termination of Assistance  Agencies must have a termination policy. Their clients must sign that they have received a copy of this policy. If a client terminates his/her assistance, or is terminated by the agency for a justifiable reason, documentation regarding the termination must be placed in the client’s file.

Utility Allowance  Costs associated with the average utilities not included in lease payments except for telephone. Public Housing Authorities are tasked with creating and updating Utility Allowance Charts on an annual basis. Using the charts, a utility allowance is calculated for the unit to be leased, based on which utilities the tenant is responsible to pay. If utility payments are made on behalf of a client, they cannot exceed the utility allowance for the unit leased. Any difference must be paid by the tenant. Utility Allowances are typically updated in the fall.
### G. HOPWA Funds Homeless Prevention Chart

This chart provides guidance for using HOPWA funds to prevent homelessness.

<table>
<thead>
<tr>
<th>Eligible HOPWA Activity (right) and type of benefit (below)</th>
<th>A. Short-term Rent, Mortgage and Utility payments</th>
<th>B. Tenant-based Rental Assistance</th>
<th>C. Housing Information Services</th>
<th>D. Permanent Housing (PH) Placement as a Supportive Service</th>
<th>E. Housing Case Management as a Supportive Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rent payments (for households with a lease)</td>
<td>Yes, if within 21 week limit</td>
<td>Yes, if done with inspections for Housing Quality Standards and with resident rent payments</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2. Mortgage payments (but not down-payment support for new units)</td>
<td>Yes, if within 21 week limit (for costs within the mortgage agreement)</td>
<td>No</td>
<td>No, but can be related support through information on homeownership programs</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3. First month’s rent and security deposits; credit checks</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes, for reasonable costs to move persons to permanent housing, not to exceed 2 months of rent costs, including security deposits and fees for credit checks</td>
<td>No</td>
</tr>
<tr>
<td>4. Utility payments (gas, electric, water and sewer)</td>
<td>Yes, if within 21 week limit</td>
<td>Yes, if part of the rental payment</td>
<td>No</td>
<td>Yes, but only for one-time utility hookup and processing costs</td>
<td>No</td>
</tr>
<tr>
<td>5. Information and/or support to locate and apply for housing assistance</td>
<td>No</td>
<td>No</td>
<td>Yes, for costs for providing information and materials that inform clients of available housing</td>
<td>Yes, as support and help to complete PH applications, and eligibility screenings for tenancy or utilities for these units</td>
<td>Yes, such as counseling and help to develop a housing service plan to establish stable permanent housing</td>
</tr>
<tr>
<td>6. Move-in support, such as supplies, furnishings, incidental costs, and minor repairs of housing units</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No, however programs may coordinate with leveraged resources and donations for these purposes</td>
<td>No</td>
</tr>
<tr>
<td>7. Other elements</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Life skills and housing counseling on unit cleaning, maintenance and household budgeting</td>
<td>Help to access other benefits, such as health-care and other supportive services</td>
</tr>
</tbody>
</table>

### H. HOPWA Program Requirements

All HOPWA clients must provide information that documents their information which is then used to confirm their eligibility, report statistics to HUD, and to the City of Las Vegas. Every HOPWA client must qualify per HUD Income Guidelines, and have their HIV/AIDS status certified. Project Sponsors must track and report all other funds used to leverage HOPWA dollars.

### I. Monthly Reports to City Management

Based on the information received from the Project Sponsor, City NDD staff will submit monthly reports to the City Management, which provide updates on the Project Sponsor’s goals and achievements. Staff may recommend corrective action to be taken should other efforts at obtaining compliance be ineffective.

### J. Client Documentation By Project Sponsor

Each Project Sponsor is required to maintain documentation on clients benefiting from activities and programs funded through the City’s CDBG program. As a condition of receiving the HUD grant, the City,
and in turn the Project Sponsor, must certify that low- and moderate-income persons are being served. HUD also requires information on the race and ethnic background of the clients, how many are female heads of households, their residency in the City, and how many are very-low income. City NDD staff and HUD must also have access to the names and addresses of the clients. Any information regarding applicants for services funded through federal monies shall be held in strict confidence.

Project Sponsors should use the Exhibits contained in this Program Manual to collect required information.

1. All HOPWA clients must be income qualified. To qualify, a client’s gross income cannot exceed 80% of the area median income. (see page 29)
   - Files must contain an Application Assistance form for each client/household which collects client information as required by HUD. (Information from this form is utilized for the mandatory HUD reporting information in addition to data requested by the City.) (See Exhibit 1)
   - Income qualifications – All household income must be considered, except children under 18. (See Appendix B for guidance)
   - Use the Gross and Adjusted Gross Income Worksheet Forms (Exhibit 10)
   - Refer to the HUD Income Guidelines (page 29)
   - A client with no income must sign the “Verification of No Income Form” (Exhibit 3)

2. All HOPWA clients must have HIV/AIDS verification in their file.
   - Health District or Lab’s print-out, or
   - University Medical Center (UMC) verification, or
   - Letter from doctor (Exhibit 2)

3. Tenant based rental assistance (TBRA), defined as permanent housing, including assistance for shared housing arrangements does not have time limits. However, efforts need to be made to help clients become self-sufficient and able to afford their own permanent housing.
   - Clients must pay as rent, including utilities, an amount which is the higher of:
     - 30 percent of the family/household’s monthly adjusted income or 10 percent of the household’s gross income
     - Adjusted income worksheet (Exhibit 11)
     - Gross income worksheet (Exhibit 10)
     - Landlord’s rental assistance services agreement (Exhibit 12)
     - Shared housing rent calculation (Exhibit 14)
     - Tenant inspection checklist (Exhibit 18)
     - Utility Allowance Calculation Form (Exhibit 15 & 16)
     - Smoke detector verification (Exhibit 18)
     - Lead based paint certification, if children under 7 are in unit. (Exhibit 20)
     - Housing Quality Standards (HQS) certification (Exhibit 19)
     - Termination record sheet (Exhibit 21)
     - Re-verify client income annually
     - Re-certify Housing Quality Standards (HQS) annually

4. Project Sponsor-Owned rental housing units for HIV/AIDS clients and their family members.
   - Clients must pay as rent, including utilities, an amount which is the higher of:
     - 30 percent of the family/household’s monthly adjusted income, 10 percent of the household’s gross income.
     - Adjusted income worksheet (Exhibit 11)
     - Gross income worksheet (Exhibit 10)
- Landlord’s rental assistance services agreement (Exhibit 12)
- HOPWA Long-Term Rental Assistance Client Service Agreement (Exhibit 13)
- Shared housing rent calculation (Exhibit 14)
- Tenant inspection checklist (Exhibit 18)
- Utility Allowance Calculation Form (Exhibit 15 & 16)
- Housing Quality Standards (HQS) certification (Exhibit 19)
- Smoke detector verification (Exhibit 18)
- Lead based paint certification, if children under 7 are in unit. (Exhibit 20)
- Termination record sheet (Exhibit 21)
- Re-verify client income annually
- Re-certify Housing Quality Standards (HQS) annually
- Project Sponsors receive rental income from clients
- Project Sponsors may receive reimbursement for Housing Unit Operation costs

5. Short-term rent, mortgage, and utility (STRMU) assistance helps to prevent homelessness and cannot exceed 21 weeks in any 52-week period.
   - The 21 weeks of assistance do not have to be consecutive
   - The 52-week period begins with the first payment
   - Short-term rental assistance information page
   - See example of 21 weeks of calculations (page 14)
   - Use the short-term assistance blank calculation sheet to track the 21 weeks (Exhibit 22)
   - Clients may be transitioned from STRMU assistance to permanent housing assistance such as TBRA or Project-based rental housing
   - Project sponsors must document client need such as an eviction notice, mortgage late payment notice, or utility late payment notice that demonstrates the prevention of homelessness of the client.

K. Project Sponsor-Owned Rental Housing and Tenant-Based Rental Assistance (TBRA)
The rental assistance program is structured for long-term assistance. The major differences are the applicant must pay a portion of their income to rent and a housing inspection must be made.

1. HOPWA Assistance Application
   - Must state nature of applicant’s chronic need and must re-evaluate, if receiving permanent housing assistance, the applicant’s status annually, or when household or income changes. This re-certification includes collecting any changes of income, persons in the household, etc.
   - All persons living in the dwelling for which assistance is received must be listed.

2. Income Exclusions
   - This is a narrative page only and is for your information. You do not need to keep this page in the client’s file. Please review and make sure income on this page is not included on the gross income page.

3. Gross Income Form
   - Please use the Income Guidelines provided to determine if applicant’s income meets the income criteria for the number of persons in the family/household. This must be re-certified annually.

4. Adjusted Income Form
   - Must submit copies of invoices or canceled checks for recent (up to last 12 months) of expenses for sections 3, 4, or 5. For sections 4 and 5, must only deduct excess above 3% of gross income. This must also be re-certified annually.
5. Housing Assistance Application Pages
   - Dates covered for rent
   - Rent/mortgage charged
   - Fair market rent for unit
   - Amount of rental assistance allowable, from next page
   - Applicant’s original signature must be included on each application, the original signature of
     the Agency’s case manager/care coordinator must also be included on each application.
   - The landlord’s complete name, to whom the check should be made, the address, and the
     landlord’s phone and fax number must be included on this page.

6. Proof of Income
   - Acceptable forms include a letter from Social Security, check stubs, a letter from the
     applicant’s employer that must include the projected income.
   - Clients must have income to be eligible for rental assistance and each client’s household
     income must be re-verified annually.

7. HIV Verification
   - Acceptable forms are: Lab test result or a letter signed by physician.

8. Lead based paint information form
   - This form must be used if persons under the age of seven (7) reside in the dwelling.

9. Release of Information Form
   - Please have the applicant initial each of the items included on the form. Please consider
     having the applicant name the case manager who is the HOPWA representative as the
     person who can sign for them to enable phone contact for future renewals. It is not possible
     to obtain permission by phone for this page or for the initial release of information. Once the
     applicant has signed and indicated a person who can represent them, then phone approval
     can be obtained.

10. Smoke Detector Page

11. Copy of the Lease
    - A lease must include: a) the beginning date of the lease, b) the signatures of the landlord and
        the applicant, c) amount of rent, d) # of persons in the unit, e) a description of the property
        including the address (no P.O. boxes) or if a room in a house, the description of that space
        with an estimate of what percentage of the property is being used by the applicant(s). If the
        applicant signed a lease with the landlord, please submit this lease. If no lease has been
        provided, please include the information above in a lease or rental agreement.

12. Housing Quality Standards
    - It is preferred that an HQS certified individual visit the dwelling where the applicant resides to
      complete this inspection. The HQS certified individual that performs the annual housing
      inspections must complete and sign the HQS form in this manual.

13. Termination From Program Form
    - Please complete this form the month the applicant ceases to receive funding.

14. Sample Client File Checklist and File History Log
    - These pages are for your use with the application. They provide guidance on the methods of
      documentation that will help in the audit.
L. **Supportive Services**
All HOPWA clients receiving Supportive Services must have items noted in paragraph J 1, 2 and 3 of this section. Files must document the need of the client for the services provided, ex. Food vouchers, bus passes, counseling, life skills management, assistance in gaining access to local, State and Federal benefits. Clients must be tracked in two ways: Supportive Services alone, and Supportive Services with Housing Assistance. Agencies must keep good records as to who applied for assistance, who received it, and how many are on a waiting list. Supportive Services must be used for activities that support housing needs. If utility bills are paid on behalf of the client, copies of the bills must be submitted.

M. **Housing Placement Services and Housing Information Services**
All HOPWA clients receiving these services must have items noted in paragraph L above. Placement costs include application fees, credit checks and security deposits. Information services include assistance with referrals to affordable housing resources, locating available, affordable and appropriate housing, working with property owners to secure units for HOPWA clients, homeless prevention, and other housing related activities.

N. **Short-Term Rent, Mortgage, And Utility (STRMU) Assistance Instructions**
Short-Term Rent, Mortgage, and Utility (STRMU) Assistance can be obtained for 21 weeks in any 52-week period. The City's Policy is that the year begins with the first payment. Example, applicant’s rent begins being paid on April 1, 2009. The applicant can receive up to 21 weeks. The applicant becomes eligible again on April 1, 2010 for the STRMU assistance program. Please refer to Appendix F for additional STRMU Assistance guidance.

1. **Housing Assistance Application Page** *
   - All persons living in the dwelling for which assistance is received must be listed on this page
   - Dates covered for rent for each month submitted.
   - Allowable rent by unit size from the Fair Market Rent table
   - Applicant’s signature must be included on application and signature of the case manager/care coordinator.
   - The landlord’s complete name, to whom the check should be made, the address, and the landlord’s phone number must be included on this page.
   - No assistance may be paid to anyone residing in HUD subsidized housing.

2. **Gross Income Page** *
   - Please use the Income table provided to determine if applicant’s income falls within the income guidelines for the number of persons in the household.

3. **Adjusted Income Page** *
   - Applicant client must submit copies of invoices or canceled checks for recent (up to last 12 months) of expenses for sections 3, 4, or 5. For sections 4 and 5, of Exhibit 10 must only deduct excess above 3% of gross income. To qualify for deduction of medical expenses, must also deduct $400 for line 2. Persons with HIV qualify for this deduction. Be cautious not to double book expenses, for example, an applicant provides you with invoices and a statement from the same provider – the statement may merely re-list the invoices and it is easy to double book. There must be unique receipts to back up this section.

4. **Proof of Income** *
   - Acceptable forms include a letter from Social Security, check stubs, a letter from the applicant’s employer that must include the projected income.
   - If there is no income, a form is provided for your use. It must include the original signature.

5. **HIV Verification** *
   - Acceptable forms are: Lab test result or a letter signed by physician or UMC.
6. Verification of Client Need*+
   - Clients must submit evidence of their inability to make monthly payments: late or delinquent rental payment notice, a letter from the landlord stating payments are past due, a letter from the bank stating mortgage payments are past due, foreclosure notice from the mortgagor, or late or delinquent utility bill notice.

7. Release of Information page*
   - Please have the applicant client initial each of the items included on the form. Please consider having the applicant name the case manager who is the HOPWA representative as the person who can sign for them to enable phone contact for future renewals. It is not possible to obtain permission by phone for this page or for the initial release of information. Once the applicant has signed and indicated a person who can represent them, a phone approval can then be obtained.

8. Tenant Inspection Checklist*

9. Copy of the Lease or Rental Agreement*
   - A lease must include: a) the beginning date of the lease, b) the signatures of the landlord and the applicant, c) amount of rent, d) # of persons in the unit, e) description of the property including the address (no P.O. boxes) and if a room in a house, the description of that space with an estimate of what percentage of the property is being used by the applicant(s). If the applicant signed a lease with the landlord, copy this lease for your file. If no lease has been provided, please include the information above in a lease or rental agreement. An Emergency Assistance Fund Rental Agreement and a Landlord’s Rental Assistant Agreement form are included in this manual.

10. Termination Form
   - Please complete this form after 21 weeks out of a 52-week period OR at such time as the applicant/client will no longer be using assistance (i.e. death, moving, etc.)

11. Sample Contact Page
   - This page is for your use with emergency applications – it is a sample of contact notes that you may choose to use in your files. It provides guidance on the methods of documentation that will help in the audit.
     * Required elements of the initial emergency rental assistance application. Required for the beginning of each 21-week period.
     + Required for each repeat application including a new statement of reasons for need.

O. STRMU 21 Week Limit Calculation Explanation
   - Short-Term Rental, Mortgage, and Utility Assistance is emergency funding that cannot exceed 21 weeks of help in any 52-week period
   - The 21 weeks of assistance do not have to be consecutive
   - The 52-week period begins with the first request for assistance made by the client
   - The 21 weeks of assistance still applies to those clients that are assisted by more than one service provider in the 52-week period (16 weeks at Agency A and 5 weeks at Agency B = 21 weeks which is the maximum amount of STRMU assistance)
   - For ease in tracking, many agencies either assist half a month’s rent or full month’s rent, or allowable utility payment (based on local public housing authority’s utility allowance chart)
   - Written documentation is required to verify rental, mortgage, and utility amounts
   - Based on the amount of HOPWA funding available to an organization, and the anticipated number of clients to be served, many organizations place a cap on the total amount of assistance any one person/family can access at one time or in a 52-week period
**P. STRMU Assistance - Example of how a client’s request tracking sheet might appear:**

A client rent is $900 per month for a one-bedroom apartment. The 2009 Fair Market Rent for that unit is $861 per month. Therefore, the client would be eligible for HOPWA assistance up to $861 per month for rent. If the client’s one-bedroom apartment has only electric utilities and appliances, and the total utility allowance amount for all electric utilities is $133 per month then up to $133 per month in HOPWA utility assistance is allowable.

The first HOPWA assistance payment to the client begins May 1, 2007. Therefore, the client may only be assisted for 21 weeks within the 52-week period of May 1, 2009 through April 30, 2010.

<table>
<thead>
<tr>
<th>Allowable Monthly Fair Market Rent Payment</th>
<th>Allowable Monthly Utility</th>
<th>Total Weeks Assisted this Month</th>
<th>Total Cumulative Weeks Assisted This Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>May, 2009 $861</td>
<td>$133 $133 = 4 weeks</td>
<td>4 weeks</td>
<td>4 weeks</td>
</tr>
<tr>
<td>June, 2009 $861</td>
<td>$133 $133 = 4 weeks</td>
<td>4 weeks</td>
<td>8 weeks</td>
</tr>
<tr>
<td>July, 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>August, 2009 $861</td>
<td>$133 $133 = 4 weeks</td>
<td>4 weeks</td>
<td>12 weeks</td>
</tr>
<tr>
<td>September, 2009 $861</td>
<td>$133 $66.50 = 2 weeks</td>
<td>2 weeks</td>
<td>14 weeks</td>
</tr>
<tr>
<td>October, 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>November, 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>December, 2009 $861</td>
<td>$133 $66.50 = 2 weeks</td>
<td>2 weeks</td>
<td>16 weeks</td>
</tr>
<tr>
<td>January, 2010 $861</td>
<td>$133 $66.50 = 2 weeks</td>
<td>4 weeks*</td>
<td>20 weeks</td>
</tr>
<tr>
<td>February, 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March, 2010 $861</td>
<td>$133 $33.25 = 1 week</td>
<td>1 week</td>
<td>21 weeks</td>
</tr>
<tr>
<td>April, 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$4.088</td>
<td>$631.75</td>
<td>21 Weeks</td>
</tr>
</tbody>
</table>

* When making utility and rent assistance payments in the same month, use the highest number of weeks assisted for that month.
General Record Keeping

The City of Las Vegas is responsible for ensuring that agency activities are carried out in compliance with all applicable program requirements and that the project goals are on track with the objectives outlined in the agency contract. Accurate record keeping is crucial to the successful management of HOPWA funded programs and projects. Insufficient documentation can lead to delayed payments and monitoring findings, both of which can be difficult to resolve if records are missing, inadequate or inaccurate.

A. Equipment and Inventory Records
All grant funded equipment costing more than $500 must be tracked on an inventory form and submitted to the City. An annual update of grant-funded equipment should be submitted to the City no later than 90 calendar days after completion of the contract.

B. Permanent Files
For each project the agency should determine what data must be maintained in the project files and establish a system for ensuring that every file contains the necessary information. This list will vary from project to project, but the permanent files should include the following:

- HOPWA application, City contract, procurement information, bids and other contracts; budget, expenditure and payment information with supporting documentation;
- Characteristics and location of clients served;
- Project status, progress reports, audits, monitoring reports and correspondence.

C. Record Retention Period
All files relating to Federally funded programs must be maintained for a minimum of four years.

D. Access To Records
The City, HUD and the Comptroller General of the United States, or their authorized representatives, have the right to access agency program records.

E. General Responsibilities
Management and administration of HUD grant funds is a shared responsibility of the agency accepting the funds. The agency’s Director or designee will be responsible for reviewing and approving all transactions involving the grant funds, before the agency’s financial officer or accountant processes them. The agency’s Director and/or Board of Directors’ responsibilities include:

- Approval of grant funded purchase orders and contracts
- Receipt and approval of invoices
- Review and approval of requests for payments from grant funds
- Compliance with the City Grant Agreement and Program Manual

F. Finance Officer Responsibilities
The finance officer or accountant is responsible for maintaining a computer accounting/bookkeeping system. The finance officer’s or accountant’s responsibilities include, but are not limited to:

- Control of accounting documents for processing by the agency
- Preparation of financial reports based on accounting records
- Preparation of requests for reimbursement, subject to review by the agency’s Director
- Implementation and oversight of all financial procedures designed to avoid or eliminate waste, fraud, or abuse of grant funds.

Should the City determine that the finance officer or accountant is not maintaining proper financial records, or processing accurate information, the City has the right to request the agency to remove that individual from grants responsibility.
Internal Controls

General Federal Requirements And Financial Administration
To meet the cash management requirements a Project Sponsor’s financial management systems must provide for:
- A computer accounting system that records the source of income and categorizes expenses for all grant activities.
- A separate account should be kept for each grant’s income and expenses.
- Effective control over all grant funds, property and equipment, and other assets. Project Sponsors shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
- Comparison of actual checks written with budgeted amounts for each grant.
- Computer printouts that are supported by source documentation (i.e. purchase requests/orders, check requests, time cards or original invoices marked “Paid” with dates and check number).

In addition to methods to assure timely and appropriate resolution of audit findings and recommendations.
- Are there written policies and procedures that define separation of duties, authority, etc.?
- Are there written accounting procedures for approving and recording transactions?
- Are financial records periodically compared to actual assets/liabilities for accuracy?

III. Financial Management

Accounting Records

A. Accounting System
The Project Sponsor’s accounting system should be based on a cash accounting basis. This system is noted for two distinguishing elements. Income is recorded when it is received, and expenses are recorded when they are paid.
- Are adequate financial accounting systems in place and maintained?
- Is reliable, complete, up to date information available and are bank and book reconciliation’s performed on a regular basis?
- Do accounting records track Federal grant income and expenses separately?
- Does the agency have internal controls for preparing expenses and assigning them to the proper fund account and budget item?

B. Allowable Costs
Are there written procedures for determining what is reasonable and allowable under the OMB circulars?

C. Source Documents & Records
In the simplest terms, financial transactions involve writing checks, and receiving reimbursement for expenses applicable to eligible activities. Every grant related financial transaction must be recorded immediately into the accounting system.

Source documents, such as purchase requests/orders, check requests, invoices or time cards, should provide all details of each transaction or activity. The information contained in the source documents is necessary for accounting purposes, and is recorded in the accounting/accounts payable system on your computer. The source documents must be readily accessible during monitoring visits.

A variety of source documents and records are needed to properly account for grant transactions. These documents include but are not limited to the following:
1. **Service Contracts** - All grant funded service contracts (accounting, leases, janitorial, etc.) must be a written agreement between the Project Sponsor and the firm/individual. The City of Las Vegas, Neighborhood Services Department **must** have copies of all service contracts that are to be reimbursed with City grant funds.

2. **Invoices/Check Requests** - All Project Sponsors are required to retain original documents pertaining to payments. Purchase requests, invoices, etc. must be marked "PAID" with the check number, and date paid included. A stamp is recommended for this. **If any original document for an expense cannot be located during a monitoring visit, the amount will be deducted from your next reimbursement request.**

3. **Payroll Records** - All Project Sponsors will maintain concise documentation for both the time worked and tasks undertaken for all grant funded positions. Automated payroll print-outs prepared by an outside firm must be available for review and kept on site. Time cards must be signed by both the employee and supervisor, with the time worked on the grant project specifically indicated.

**Budget Controls**

An appropriate bookkeeping/accounting software can manage budget controls.
- Does agency develop monthly financial statements that compare actual expenses for each budget category against approved budget?
- Does agency regularly compare progress toward the achievement of goals with the rate of expenses of program funds?

**Cash management**

- Does agency have a procedure for accurately projecting the cash needs?

**Financial Reporting**

- Is agency able to provide accurate disclosure of financial results of HOPWA program?

**D. Books, Ledgers and Computer Reports**

Books, ledgers or computer printouts providing accounting for cash receipts, cash disbursements and cash balances. All cash, revenues and expenses must be reconciled to the cash account.

Documentation must include: invoices, purchase requests, bills and other receipts, deposit slips, bank statements, check stubs, check books/computer ledger, canceled checks, and other verification as applicable. Back-up documentation for journal entries must be kept and properly filed.

**E. General Ledger, or Category Report (Quicken type software)**

The general ledger or category reports shall include separate accounts for all assets, liabilities, income, and expense categories, as well as an account for the cash balance.

**F. Cash Disbursements**

A computer printout of the grant expenses by category or account code must be submitted with the reimbursement request.

**G. Payroll Records & Reports**

Agencies that have grant funded positions are required to maintain payroll reports detailing gross salaries, all withholding and employer payments - Medicare, Social Security, Workman’s compensation insurance and health insurance. Non-profits are exempt from federal unemployment tax, however, they are required to file quarterly state unemployment tax returns.

If an employee is paid by more than one grant or program, the payroll ledger will need to reflect the distribution of time and money against each grant or program. Time sheets for employees paid with grant funds are mandatory. A sample time sheet is in this manual for your use.
Back-up documentation must include:
- Time sheets including the number of hours for each HOPWA-eligible activity and other funding sources for the entire month signed by employee and supervisor;
- Computer print-outs from your payroll service or canceled paychecks;
- Proof that your payroll service is not deducting Federal unemployment tax;
- Quarterly Federal payroll tax returns and State unemployment reports, or verification from a payroll service that these reports were filed;
- Worker's compensation payment receipts;
- Copies of W-2's and W-3 cover page, or annual W-2 filing report from payroll service.

H. Financial Requirements
- New Providers must fill out the City's Vendor Profile and an IRS W-9 form in order to be set up for payments in the City’s financial system.
- Per the HOPWA contract, and federal regulations, a “Project Sponsor” agency must have a biennial audit performed under the OMB A-133 audit requirements if the agency has received $500,000 or more in federal funds for two consecutive years.
- If the agency does not fall under the OMB A-133 requirements (Appendix L), the City of Las Vegas, Neighborhood Services Department requires an agency receiving federal funds in excess of $50,000 for two consecutive years to submit an audited financial statement performed by a local CPA firm.
- Either audit must be submitted to the City of Las Vegas within nine months after the close of the calendar or fiscal year, whichever year the agency has chosen, as stated on their IRS 501(c)(3) designation letter.
- The audit will be reviewed by the Neighborhood Services staff and any findings must be addressed in a separate letter, stating the corrective action taken.

I. Construction Projects - Expense Categories
The expense categories associated with a construction project are as follows:

- Site Acquisition - Normal cost associated with acquisition of land.
- Closing Costs - Fees, points, interest, or other costs to finance acquisition.
- Architecture and Engineering - Normal fees for professional design services to prepare plans and specifications.
- Site Work - Costs normally associated with preliminary site construction work: grading, underground utilities, soils report, and environmental remediation.
- Fees and Permits - Costs for design review, building, planning or other required permits.
- Construction Management - Consultant or other costs to provide construction management services.
- Construction Contracts - All fees included in primary and subcontracts.
- Consultants - All consultant fees including environmental testing or other specialty consultants.
- Administration - Overhead costs for administration of the construction project by the agency or through a construction control agreement.
- Legal - costs for legal services.
- Taxes/Insurance - Property or other taxes required for the property during the construction period and costs of all required construction insurance.
- Marketing - Costs associated with marketing the project and attaining rent-up and occupancy.
- Operating Reserve - May be included for a specified period of time. Maximum operating reserve allowance to be determined in accordance with HUD regulations.
- Developer Fee - Any fees or other charges due to the developer on completion of the project.
J. **Budget Modifications**

1. **Construction Projects**
   Construction project budgets may be modified upon submission of a written request and subsequent written approval by the City.

2. **All Other Projects**
   Modifications to approved budgets are allowable but must be directly related to changes in the project. A Budget Modification form is included on page 69 of this program manual.

   The Director of the City of Las Vegas Neighborhood Services Department or the Neighborhood Services Development Division Manager has the authority to grant or deny requests for budget revisions. The City will issue a written decision within 10 business days of receiving the request.

K. **INSURANCE REQUIREMENTS**

1. **Project Sponsor Insurance.** The Project Sponsor shall obtain and maintain at minimum compliance with all of the following insurance coverage(s) and requirements for the full term of this Agreement (and any extensions thereof). Such insurance coverage shall be primary coverage as respects CITY.

2. **Subcontractor(s)’ Insurance.** If Project Sponsor utilizes one or more subcontractors in the performance of this Agreement, Project Sponsor shall be responsible for obtaining certificates of insurance from all subcontractors. The subcontractor’s limits of liability shall be the same as the Project Sponsor’s as stated in the contract.

3. **Types of Insurance and Minimum Limits.** The types of insurance and minimum liability limits are as follows:
   a. Industrial/Workers’ Compensation Insurance protecting the Project Sponsor and the City from potential Project Sponsor employee claims based upon job-related sickness, injury, or accident, during performance of this Contract.
   b. Automobile Liability Insurance for each of Project Sponsor’s vehicles used in the performance of this Agreement, including owned, non-owned, leased or hired vehicles, in the minimum amount of $500,000 combined single limit per occurrence for bodily injury and property damage.
   c. Homeowners Insurance for HOPWA funded housing acquisitions is required.
   d. Comprehensive General Liability (bodily injury, property damage, errors and omissions) Insurance with respect to the Project Sponsor’s agents and vehicles assigned to the activities performed under this Contract in a policy limit of not less than $1,000,000.00 combined single limit per occurrence and $2,000,000.00 in the aggregate. Such coverage shall be on an “occurrence” basis and not on a “claims made” basis (except for Errors and Omissions coverage).

4. **Additional Insurance Requirements.** The City shall be named as an additional insured party thereunder and such notation shall appear on the certificate of insurance furnished by the Project Sponsor’s insurance carrier. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. Each insurance carrier’s rating as shown in the latest Best’s Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the Project Sponsor, including the rating and financial health of each insurance carrier providing coverage, is subject to the approval of the City. The City requires insurance carriers to maintain a Best's Key rating of “A VII” or higher.
All deductibles and self-insurance retentions shall be fully disclosed in the certificate of insurance. No deductible or self-insured retention may exceed $10,000.00 without the prior written approval of the City.

Certificates indicating that such insurance is in effect shall be delivered to the City within ten (10) days after the Award Date of this Contract, or before work commences, whichever is earliest. The Project Sponsor shall maintain coverage for the duration of this Contract. The Project Sponsor shall annually provide the City with a certificate of insurance as evidence that all insurance requirements have been met. It is further agreed that the Project Sponsor and/or insurance carrier shall provide the City with a thirty (30) day advanced notice of policy modification or cancellation. Any exclusions to the effect that the insurance carrier will “endeavor to inform” must be stricken from the certificate of insurance.

Should the Project Sponsor fail to carry the required insurance, the City has the option to purchase replacement insurance and charge the costs back to the Project Sponsor.

5. **Proof of Coverage.** Project Sponsor agrees to provide its insurance broker(s) with a full copy of these insurance provisions and provide City on or before the effective date of this Agreement with Certificate of Insurance for all required coverage. Copies of all the requirements above shall be attached to the Certificate(s) of Insurance or other evidence of insurance acceptable to the City of Las Vegas, which shall be provided by Project Sponsor’s insurance company as evidence of the stipulated coverage. This Proof of Coverage shall then be mailed to the City of Las Vegas. Neighborhood Services Department.

**AUDITS**

The agreement with the City is subject to an OMB A-133 Audit pursuant to the Single Audit Act and is also subject to other requirements of OMB Circular No. A-110 "Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations" (Appendix K), and its relevant attachments "A" through "O"; and Circular A-122, entitled "Cost Principles for Non-Profit Organizations" (Appendix J).

An audit is both a financial and program audit. It encompasses auditing of the expenses as well as the program. In other words, the audit is to make sure that the agency has expended the grant funds for allowable costs and accomplished the program objectives according to the Scope of Services.

The United States General Accounting Office (GAO) states that agencies must ensure that federal program resources are applied "efficiently", economically and effectively to accomplish the program objectives. The financial and performance audits are designed to assure that agencies are accountable to HUD, the City and the public. In particular:

1. **Financial audits** are designed to provide an independent opinion on the agency’s financial statements, internal central structures, cash flow, and compliance with specific financial systems and procedural requirements.

2. **Performance audits** provide an independent point of view on the extent to which the agency has efficiently and effectively carried out its operations, and achieved the intended program results and benefit.

Project Sponsors are responsible to ensure their auditors conduct the proper type of audit. Not all Certified Public Accountants (CPA’s) are qualified to perform an A-133 audit.

**Please note:** The Office of Management and Budget requires that grant recipients who expend $500,000 or more in federal funds in one fiscal year, must conduct an A-133 audit.

The City’s audit policy: Any agency that expends between $200,000 - $499,999 in federal funds will be required to have a CPA Audited Financial Statement. The funds expended may be from one or multiple federal sources. If allowable by program regulations, the City may only pay for the portion of the audit, which represents the percentage of City federal funds in the program budget.
Subrecipients who do not qualify for an A-133 or Audited Financial Statement must submit a Certified Annual Financial Statement (CFA). This is the lowest audit criteria and will only be accepted from those non-profits who can document that they did not qualify for an A-133 or a CPA audited financial statement. The Treasurer and the Board President must sign a statement certifying the CFA. The statement should read as follows: *We, the undersigned, as Executive Director and Treasurer of (Name of Agency), hereby certify that, to the best of our understanding and knowledge, the attached Financial Statements fairly and accurately represent the financial condition and operations of this organization.*

1. **Audit Due Date**
   Audits have different due dates depending on the type the agency qualifies to conduct. Certified Annual Financial Statements are due three (3) months after the end of the fiscal year; CPA conducted audits are due six (6) months after the end of the fiscal year, and A-133 Audits are due nine (9) months after the end of the fiscal year.

   All agencies who fall under the requirements of OMB A-133 Auditing rules must submit a full and complete copy of such audits to the Neighborhood Services Department. It is the responsibility of the Project Sponsor to ensure that audits are completed in a proper and timely manner. Failure to submit copies of the A-133 Audit will render the Project Sponsor as non-compliant. This means that no funds may be drawn until the City of Las Vegas Neighborhood Services Department has received and reviewed the copy of the audit.

2. **IRS Form 990 Filing** – All agencies with revenue of $25,000 or more must complete and submit this annual tax report. Contact the IRS for more information.

   Financial record keeping is one of the primary areas subject to HUD reviews and one, which if inadequate, can lead to serious problems. These are the types of financial records that must be maintained by the agency:
   
   - Payment requests and source documentation (purchase requests, invoices, time cards, computer print-outs of payments and payroll, etc.);
   - Procurement files (bids, contracts, etc.) and property or equipment inventory (if applicable),
   - Payroll records with computer print-outs and payroll tax returns;
   - Copies of the front and back of checks for expenses;
   - Financial statements, correspondence and audit files.

**Expenses**

All expenses associated with an approved activity or project must comply with the following criteria:

A. **Limitation of Expenditures**
   
   - The Agency shall not expend funds provided under the contract prior to the commencement of the contract or subsequent to the suspension or termination of the contract.
   - Expenditures shall be made in conformance with the approved budget and shall meet the criteria established for allowable costs.
   - Expenditures shall be in direct support of the project which is the subject of the contract. The Agency shall notify the City in writing of any expense for items jointly used for any other project(s) and the expenditures shall be apportioned according to the percentage of direct use in the project.
   - The City will not reimburse sales tax charged on an invoice. Agency must obtain an exemption from the State.
B. Eligible Costs
To be eligible for payment, costs must be in compliance with Office of Management and Budget Circular OMB A-110, Appendix K and with the principles set forth below:

- Be necessary and reasonable for the proper and efficient performance of the contract and in accordance with the approved budget. The City shall have final authority to determine in good faith whether expenditure is "necessary and reasonable."
- Conform to the limitations within this manual and to any governing statutes, regulations and ordinances.
- Be fully documented and determined in accordance with approved accounting procedures.
- Not be included as a cost of any other funding source in either the current or a prior period.
- Submit to the City, within ten (10) working days of the end of the preceding month, requests for reimbursement together with a summary of expenses on a form approved by the with computer print-out and copies of invoices attached.

C. Ineligible Costs:
- Bad debts: any losses arising from delinquent accounts and other claims, and related costs.
- Contributions and donations.
- Entertainment: agency administrative costs for employee’s social activities, amusements and incidental costs such as meals, beverages, lodging and gratuities relating to entertainment, or any political or lobbying activity.
- Fines and penalties: costs resulting from violations of or failure to comply with Federal, State, and local laws and regulations.
- Interest and other financial costs: interest on borrowings (however represented), bond discounts, cost of financing and refinancing operations, and legal and professional fees paid in connection therewith.
- Membership expenses: costs of membership in any organization that devotes a substantial part of its activities to influencing legislation.
- Non-competitive subcontracts: payments under a subcontract not obtained under competitive bidding procedure, unless the City specifically waives the requirement for such a procedure.

Monthly Reimbursements and Reports
Reimbursement will only be provided for allowable costs as approved by the City of Las Vegas. Allowable costs must be directly related to the Grant. All agency requests for reimbursement must be made by accurately completing the Request For Release of Funds Form (Exhibit 26), with acceptable backup attached which ties to the expenses.

A. General Programs and Service Activities
Requests for reimbursement for eligible expenses should be submitted on a monthly basis. Use the Request for Release of Funds form that includes a Line Item Expense Detail, (Exhibit 27) and have the organization’s Director or Financial Officer certify it by signing the form. Attach a copy of purchase requests, invoices, timesheets, payroll, and a general ledger or category account computer printout.

B. Construction Projects
Reimbursement requests for eligible expenses pertaining to a construction project may be submitted more frequently than on a monthly basis if pre-arranged with the City. Generally, these requests will be granted on a performance-oriented basis.

C. General Reimbursement Information
HOPWA funds are paid to agencies on a reimbursement basis. Therefore, it is extremely important that the eligibility of an expense is verified prior to expending funds. Accuracy of submittals are important as errors slow down the process. In addition to the Request for Funds Form, (Exhibit 26), and the Line Item
Expense Form, (Exhibit 27), copies of one of the following must be included: both the front and back of your cancelled checks, the front of the cancelled check with the check register to document it was paid, or copies from your internet banking account, in addition to a paid invoice. When at all possible, do not use cash, as this does not provide a proper audit trail. Sales tax will not be reimbursed.

When submitting a large payment request, please review and highlight the portions you are asking the city to reimburse in addition to utilizing either an Excel spreadsheet and adding machine tape. This will assist in avoiding calculation errors. Also, highlight the checks on the bank register included in the submission.

The Request for Funds has several sections that must be filled out.

- **Section I:** Request #'s should be sequential, Amount of Request should match the Request amount at the bottom of the form, and the Period Covered should reflect the month in which the funds were spent. Please use the beginning of the month through the end of the month, ie. 9/1/09 – 9/30/09.

- **Section II:** Please make and highlight any corrections to the Agency information contained in this area; it is important that the information is current.

- **Section III:** Budgeted Amount, please do not change the amounts in the columns without discussing it with the Programs Officer first assigned to the agency first. Request Amount should match the receipts and/or other documentation submitted. Previous Drawdowns should match the last request and subsequent payment received from our office. Remaining Funds should be the total after subtracting the Request Amount and Previous Drawdowns.

- **Section IV:** Signature and Date line. Please sign and date the Request for Funds for submittal.

**D. Documentation**

In order for the city to reimburse your agency, you must submit documentation to show who, what, when, and how you paid the expenditure. The City will accept copies of paid invoices which must be marked paid. A quote or order form will not be accepted. In addition to the paid invoice, you must submit proof of payment. Please refer to the previous section as to acceptable back up documentation. If a credit card is used, a copy of your statement showing it was paid must be submitted. Copies of client utility bills must be included.

Copies must be legible, please do not send the originals. Receipts cannot be dated prior to the beginning of the program year (June 1st) or after the end of the program year (July 31st).

Copies of time sheets must be included if you are requesting payroll reimbursement. The time sheets must include documentation of time spent with HOPWA clients. Many agencies use tracking codes or work authorization codes, please use whatever method works best for you. Please highlight the code assigned to HOWPA or the hours worked on the time sheet.

**E. Line Item Expense Form**

Use the Line Item Expense Detail form attached hereto as (Exhibit 27), to document your HOPWA expenses when you have multiple staff and/or supplies and expenses. Please list out your expenses in the General Non Personnel Section, you may change the explanation name in the columns to reflect your expenditures. Please make sure that your columns add up correctly, and that the totals match.

**F. Request For Release of Funds Form**

This form on page 67, itemizes your grant expenses by activity. The total amount requested on this form should equal the total on the general ledger or accounts payable printout for all HOPWA-eligible expenses. Reimbursement requests will not be processed without this computer printout attached.
The Project Sponsor should mail or bring the original reimbursement form, with accompanying copies to justify expenses, to the City of Las Vegas Neighborhood Services Department.

The City's Finance Department processes payments once a week and mails checks every Friday. From the time documents are received, it will take approximately ten (10) business days to process.

G. Reporting Requirements
Monthly status reports including the number of clients served are required whether or not a request for payment has been submitted. The monthly status report explains the progress the project has made in relation to the goals and performance indicators outlined in the contract Scope of Services.

Project Sponsors are required to report on the Performance Measures and Outcomes associated with HOPWA grant funds. There are separate reporting requirements for monthly and annual accomplishments.

The Mayor and City Council of Las Vegas have requested monthly reports regarding the Federal grant programs and the number of clients who are served. Only report those clients and/or families being served by the HOPWA grant.

1. Monthly
Request for Release of Funds forms and monthly reports are required by the 7th of the following month. Request for Release of Funds forms need to be mailed to Neighborhood Services. Monthly reports can be faxed, e-mailed, or mailed to Neighborhood Services.

- Fax or e-mail a completed “Monthly HOPWA Reporting Form"

- Reimbursement: Mail your Request For Release of Funds form on top with an original signature, and attach an accounts payable, check register, copies of the front and backs of the checks for expenses are required, category listing, or general ledger printout and all other documentation required. For staff salary reimbursement, provide copies of paystubs, payroll registers, and the timesheets for the entire month indicating the number of hours per HOPWA activity for each employee.

2. Annually
HOPWA Project Sponsors are required to complete the HOPWA Annual Report. This report is a summary of both the clients and services for the year that the City is required to report to HUD. See Appendix H of this program manual. The data collected and reported must match the number of clients served. HUD requires different statistical information about the clients served with HOPWA funds. It is strongly encouraged that agencies review the Annual HOPWA Report to gain an understanding of this data, and ensure that systems are in place to collect it.

- Complete the HOPWA Annual Progress Report for the fiscal year (July through June) and submit to the City by August 1st. (a simpler Excel Spreadsheet is available from the HOPWA Coordinator)

- Housing Quality Standards (HQS): Project Sponsors that distribute permanent housing assistance or have housing units purchased with HOPWA funds must perform annual housing inspections pursuant to HQS standards. An HQS Inspection Form is supplied in Exhibit 19 of this program manual. Copies of the completed forms must be kept in each client’s file, and may be requested by the City.

- Short-term rent, mortgage, and utility assistance does not require HQS inspections.
Procurement, and Contracting Procedures and Requirements

A. Equipment Procurement

1. Equipment v. Supplies

The City of Las Vegas, Neighborhood Services Department, under the Federal grant programs, defines equipment as tangible property costing more than $500 and having a useful life of more than one year. The purchase of equipment costing more than $500 is generally discouraged, because equipment is usually expensive, and can generally be rented at a lesser cost for a short period of time. Because HOPWA funds are limited, equipment may only be purchased if absolutely necessary for the program, and with prior approval. Thus, rental of equipment is recommended over purchase.

Items which cost less than $500 and which have a useful life of less than one year are considered to be supplies, except for computer equipment, which must be inventoried and accounted for. Use the Inventory Control Form for this purpose.

2. Limitation on Purchase of Equipment

Under HUD regulations, the purchase of equipment, fixtures, motor vehicles, or furnishings that are not an integral structural fixture is ineligible except when necessary for use by a Project Sponsor agency in the administration of the HOPWA grant program or as part of the administration of a supportive service program.

3. Notification Requirements

All purchases of equipment costing more than $500 require prior City approval. Requests to purchase equipment are to be sent to the HOPWA Administrator at least 15 business days prior to the purchase order date. The request is to include the cost of the item, where it will be purchased, a detailed explanation of why it should be bought rather than leased or rented, and where the funds for the purchase will come from. If HOPWA funds will only be paying a portion of the purchase, list other funding sources and the respective amounts. The HOPWA Administrator will review the request and reach a decision within 10 business days. Rationale for a negative decision will be included in the response.

4. Reversion to City

Under HUD regulations, if funding stops for the program, the City has the option to repossess the equipment. The City may also permit the Project Sponsor to retain the equipment at the time the funding ends, as long as it continues to be used in a HOPWA applicable program.

All other personal property, supplies and equipment purchased pursuant to this agreement and not consumed shall become property of the City.

B. Inventory Instructions:

- Agency - Name of Agency receiving grant
- Description - A brief description of the item of property
- Manufacturer's Serial Number - Provide the manufacturer's serial number for all items
- Title or Owner - Name of Agency on property's title
- Acquisition Date - Date of Purchase
- Percentage of Federal Participation - Portion paid by HOPWA funds
- Cost - Supply the actual purchase price
- Disposal Date - Date sold or disposed of
C. Procurement Definitions

1. Price and Cost Analysis: A price or cost analysis must be made in connection with every procurement action. Price analysis involves comparing the bottom line price quoted, with typical prices paid for the same or similar materials or services (does not apply to sole source contracts). Cost analysis simply means you obtain the best price with the best service.

2. Sole Source: Procurement by noncompetitive process is solicitation from only one source. This process is rare and is acceptable only after solicitation of a number of sources is determined inadequate. Extensive documentation and justification is required to establish the audit trail. The agency may make the determination that competition is not feasible if one of the following circumstances exists:

   a. The item is unique and available only from a single source.
   b. There is a public urgency or emergency that exists that will not permit a delay resulting from a competitive solicitation.

Please use the Procurement Form, to document your purchasing methods. (Exhibit 30)

3. Equipment and or Services purchasing methods are as follows:

   0 - $500 Direct reimbursement with an invoice copy.
   $500 - $10,000 Two or more verbal quotes; written quotes if labor, detailed product, or service specifications.
   $10,000–$25,000 Two written quotes obtained by Project Sponsor agency or the City’s Purchasing staff. May use “Request For Quotes”, advertise, and/or use pre-bid conference.
   Over $25,000 Formal bid process with pre-bid conferences and formal bid openings.

D. Subcontracts

Should a Project Sponsor find it necessary to subcontract in order to meet its obligations under its agreement with the City, it must enter into a written agreement with those individuals or organizations providing services. A standard subcontract form has been developed by the City and is available for your use in this manual, see (Exhibit 31)

1. Provisions Required in Subcontracts

   a. Name, address, phone number and social security number of subcontractor.
   b. Completion of a W-9 IRS form.
   c. A termination clause requiring thirty days notice by which either party may terminate the agreement.
   d. A City uninvolved clause releasing the City from any liability for any breach of the subcontract by either party.
   e. A scope of the services to be performed.
   f. The total dollar amount of the subcontract.
   g. A clause requiring the contractor to comply with stated “Conditions of Federal Funding”.
   h. An independent contractor clause stating that the subcontractor is an independent contractor or employee of the Project Sponsor. Subcontractor is not an agent or employee of the City, and as such waives any claims to any rights or benefits which accrue to employees of the City.
   i. Signature of person authorized by Project Sponsor’s Board of Directors to execute agreements.
   j. Signature of person authorized by subcontractor to execute agreements.
k. Project Sponsor must file an IRS 1099 form indicating the amount paid the subcontractor after the completion of the work, and send a copy to the City of Las Vegas.

2. **Review of Subcontracts by City**
   All Project Sponsors in their first year of receiving HOPWA funds from the City must submit all subcontracts valued at more than $500 to the City for review and approval prior to execution. In a Project Sponsor’s second year of HOPWA funding, prior review and approval by the City is required only when the value of the subcontract exceeds 10% of its HOPWA grant or $5,000, whichever is less. All subcontracts requiring review and approval by the City must be submitted at least 15 business days prior to an effective date. The City will respond to the request for approval within 10 working days. Subcontracts must be approved prior to execution by any of the parties.

3. **Required Subcontract Documentation**
   The Project Sponsor shall maintain the following documentation in its files:
   a. Copies of bids and proposals received.
   b. Justification for any non-competitive procurement of contractual services and reasons for the selection of the subcontractor.
   c. Justification for the selection of other than the lowest bidder in a competitive procurement.
   d. Section Three (3) compliance documentation, if required for construction projects.

4. **Types of Subcontracts Covered Under This Section**
   a. Bookkeepers and auditors (CPA’s).
   b. Contracted services, such as realtors
   c. Office equipment rental.
   d. Office space rental.
   e. Rental of vehicle (van, bus, etc.) to be used on a regular basis for carrying clients of the Project Sponsor.

5. **Types of Subcontracts Not Covered Under This Section**
   a. Extension of above contracts if dollars per hour/month/year do not change.
   b. Vehicle rental to take program’s clients to a particular event. Requests for travel related to trips outside of the EMSA area (Clark County, NV) are required under your agreement with the City.
   c. Maintenance agreements for office equipment.
   d. Janitorial services for office space.

E. **24 CFR PART 84.42 CODES OF CONDUCT**
   The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal Funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

F. **CONFLICT OF INTEREST**
   The general rule is that no employee, board member, officer, agent, consultant, subrecipients which are receiving funds under a CDBG assisted program who have responsibilities with respect to the CDBG activities or who participate in decision making process or have access to inside information with regard
to the activities can obtain a personal or financial interest or benefit from a CDBG assisted activity during their tenure or for one year thereafter (Federal Regulation 24 CFR 574.625).

Agencies should maintain a written code of standards of conduct governing the purchase of materials, product, supplies, services and awarding and administering subrecipient contracts. Personnel involved in the procurement process must be trained to recognize situations that create real, or the appearance of a conflict of interest. The agency personnel should:

1. Be familiar with the agency’s code of ethics and potential conflict of interest issues.
2. Not take gifts or gratuities from persons or organizations associated with the procurement process.
3. Assure the proposal evaluators or member of their immediate families do not have financial interest in the companies.

G. FEDERAL REGULATION 24 CFR 574.625 – CONFLICT OF INTEREST

Sec. 574.625 Conflict of Interest

a. In addition to the conflict of interest requirements in OMB Circular A-102 and 24 CFR 85.36(b)(3), no person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee or project sponsor and who exercises 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 there under, 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 any other relevant considerations.
GENERAL HUD INFORMATION

HUD INCOME GUIDELINES

FY 2009-2010

The following income guidelines are updated every year by HUD, based on the cost of living for each jurisdiction. Make sure you have the latest income guidelines.

Clark County EMSA (MSA: Las Vegas-Paradise, NV)

INCOME NOT TO EXCEED

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>EXTREMELY LOW INCOME (30%)</th>
<th>VERY LOW INCOME (50%)</th>
<th>LOW INCOME (80%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$13,700 or less</td>
<td>$22,900</td>
<td>$36,600</td>
</tr>
<tr>
<td>2</td>
<td>$15,700 or less</td>
<td>$26,150</td>
<td>$41,850</td>
</tr>
<tr>
<td>3</td>
<td>$17,650 or less</td>
<td>$29,450</td>
<td>$47,050</td>
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<tr>
<td>4</td>
<td>$19,600 or less</td>
<td>$32,700</td>
<td>$52,300</td>
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<tr>
<td>7</td>
<td>$24,300 or less</td>
<td>$40,550</td>
<td>$64,850</td>
</tr>
<tr>
<td>8</td>
<td>$25,850 or less</td>
<td>$43,150</td>
<td>$69,050</td>
</tr>
</tbody>
</table>

State: Nevada
Effective: 3/09
MSA: Las Vegas-Paradise, NV
Median Family Income: $65,400
Source: [http://www.huduser.org/datasets/il/il09/index.html](http://www.huduser.org/datasets/il/il09/index.html)
Check this website in March of every year
To update the HUD Income guidelines.

HOPWA Grant: Use the “Annual Gross Income Worksheet” and the “Adjusted Income Worksheet” forms to calculate your client’s income. A HOPWA client receiving rental housing assistance or residing in any HOPWA rental housing must pay as rent the higher of: 10 percent (%) of the monthly gross household income, 30 percent (%) of the adjusted gross income. The maximum income of the client’s household or family cannot be more than is shown in bold on the 80 percent (%) line to qualify for HOPWA assistance.
### GENERAL HUD INFORMATION

#### FAIR MARKET RENTS

**FY 2009-2010**

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Fair Market Rent (FMR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>FMR $731</td>
</tr>
<tr>
<td>1 – Bedroom</td>
<td>FMR $861</td>
</tr>
<tr>
<td>2 – Bedroom</td>
<td>FMR $1013</td>
</tr>
<tr>
<td>3 – Bedroom</td>
<td>FMR $1408</td>
</tr>
<tr>
<td>4 – Bedroom</td>
<td>FMR $1695</td>
</tr>
<tr>
<td>5 – Bedroom</td>
<td>FMR $1932</td>
</tr>
</tbody>
</table>

**NOTE:** Fair Market Rent includes the shelter rent plus the cost of all utilities, except telephones.

Website: [www.huduser.org/datasets/fmr.html](http://www.huduser.org/datasets/fmr.html) - Updated annually in October
HUD GENERAL INFORMATION
CONDITIONS OF FEDERAL FUNDING

A. RELIGIOUS ACTIVITIES (24 CFR 574.300)
As a general rule, in accordance with First Amendment Church/State Principles, HOPWA assistance may not be used for religious activities or provided to primarily religious entities for any activities, including secular activities.

B. POLITICAL ACTIVITIES (24 CFR 574.615) AND HATCH ACT (CHAPTER 15, TITLE 5, 8 US CODE)
The Project Sponsor agrees not to use the HOPWA funding to finance the use of facilities or equipment for political purposes or to engage in other partisan political activities, such as candidate forums, voter transportation, or voter registration.

The Project Sponsor further agrees that none of the personnel employed in the administration of the within defined Project shall be in any way or to any extent, engaged in the conduct of political activities in contravention of Chapter 15, Title 5, U.S. Code.

C. PROGRAM INCOME (24 CFR PART 84)
"Program Income" includes, but is not limited to, the following:

1. Proceeds from the disposition by sale or long-term lease of real property purchased or improved with HOPWA funds;
2. Proceeds from the disposition of equipment purchased with HOPWA funds;
3. Gross income from the use or rental of real or personal property acquired by Project Sponsor with HOPWA funds, less costs incidental to generation of the income;
4. Gross income from the use or rental of real property, owned by the Project Sponsor, that was constructed or improved with HOPWA funds, less costs incidental to generation of the income;
5. Interest earned on program income pending its disposition.

DISPOSITION OF PROGRAM INCOME (24 CFR PARTS 84 AND 85)
The Project Sponsor agrees that any income generated by the Program shall be subject to the provisions of this Section and applicable federal law rules and regulations. Program Income shall be recorded separately and returned to the City for disposition. Upon approval by the City Program Income may be retained by the Project Sponsor provided that written notification is given to the Neighborhood Services Director and that the Project Sponsor certifies that the Program income is to be used for the exclusive benefit of the Program. Such income may be used only according to the guidelines set forth in the HUD regulations.

D. OTHER PROGRAM REQUIREMENTS
The Project Sponsor shall carry out its activities in compliance with all Federal laws and regulations, except that the Project Sponsor will not assume the City's environmental responsibilities. The Project Sponsor understands and agrees that the City shall not release any HOPWA program funds unless and until the required Environmental Reviews, if any, are completed by HUD.

1. CIVIL RIGHTS ACT OF 1964; AND FAIR HOUSING ACT; EXECUTIVE ORDER 11063
This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964, P.L. 88-352; the Fair Housing Act; and Executive Order 11063, as amended by Executive Order 12259; and HUD regulations at 24 CFR Part 1, providing for non-discrimination on the grounds of race, color, creed, sex, familial status, disability, or national origin under any activity receiving Federal funds and also obligating Project Sponsor to use Federally-funded property for the purpose for which the Federal funds were awarded.

2. HOUSING AND COMMUNITY DEVELOPMENT ACT, AGE DISCRIMINATION ACT OF 1975 REHABILITATION ACT OF 1973
This Agreement is subject to Section 109 of the Housing and Community Development Act of 1974, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, which requires that no
person in the United States shall, on the grounds of age, race, color, national origin, disability, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity funded in whole or in part with HOPWA funds.

3. **LABOR STANDARDS & DAVIS BACON ACT (24 CFR 574.655)**
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 which are subject to the Act.

4. **ENVIRONMENTAL STANDARDS (24 CFR 574.510)**
This Agreement is subject to the National Environmental Policy Act of 1969, as detailed in implementing regulations 24 CFR Part 58.

5. **NATIONAL FLOOD INSURANCE PROGRAM (24 CFR 574.640)**
This Agreement is subject to the Flood Disaster Protection Act of 1973, and the regulations in 44 CFR Parts 59 through 79.

6. **DISPLACEMENT, RELOCATION, ACQUISITION, AND REPLACEMENT OF HOUSING (24 CFR 574.630)**
The Project Sponsor shall assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, non-profit organizations, and farms). Relocation of displaced persons shall be provided in conformance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

7. **EMPLOYMENT AND CONTRACTING OPPORTUNITIES**
The Project Sponsor shall comply with Executive Order 11246, as amended by Executive Order 12086, which provides for Equal Employment Opportunity, and Section 3 of the Housing and Urban Development Act of 1968, with implementing regulations at 24 CFR Part 135. Section 3 requires that employment and other economic development opportunities arising in connection with housing rehabilitation, housing construction, or other public construction projects shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be given to low- and very low-income persons.

8. **LEAD-BASED PAINT (24 CFR 574.635)**
This Agreement is subject to the regulations described in 24 CFR Part 35, prohibiting the use of lead-based paint in residential structures constructed or rehabilitated with assistance provided, notification of hazards of lead-based paint poisoning; and elimination of lead-based paint hazards.

9. **USE OF DEBARRED, SUSPENDED, OR INELIGIBLE CONTRACTORS OR PROJECT SPONSORS**
This Agreement is subject to the requirements set forth in 24 CFR Part 5, in which is incorporated 24 CFR Part 24, which provides for the listing of debarred and suspended participants, participants declared ineligible, and participants who have voluntarily excluded themselves from participation in covered transactions pursuant to Part 24.

10. **UNIFORM ADMINISTRATIVE REQUIREMENTS AND COST PRINCIPLES**
The Project Sponsor shall comply with the requirements and standards of OMB Circular A-122, "Cost Principles for Non-profit Organizations"; OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-profit Institutions". Audits shall be conducted annually. Project Sponsor's shall also comply with the provisions of OMB Circular A-110, "Uniform Administrative Requirements", implemented at 24 CFR Part 84, "Uniform Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" and the related HOPWA provisions.

11. **CONFLICT OF INTEREST (24 CFR 574.625) and (24 CFR Part 85.36(b)(3))**
This Agreement is subject to the general rule that no person who is an employee, agent, consultant, officer, or elected official or appointed official of the City as Recipient, or of any designated public agencies, or of the Project Sponsor, who exercises or has exercised any functions or responsibilities with respect to HOPWA activities assisted pursuant to 24 CFR 574.625, 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 a HOPWA-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a HOPWA-assisted activity, or with respect to the proceeds of the HOPWA-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

12. LIMITED ENGLISH PROFICIENCY (LEP)
Executive Order 13166 enacted August 11, 2000, mandates the federal government reduce language barriers to limited English proficiency (LEP) persons with regard to accessing federal benefits. Recipients of HUD assistance including state and local governments, public housing authority assisted housing, Project Sponsors, profit and non-profit organizations and other entities receiving funds directly or indirectly from HUD are subject to Executive Order 13166 and Title VI provisions as a condition of receiving federal funds. Failure to ensure limited English persons (LEP) access to HUD benefits may violate Title VI of the Civil Rights Act which prohibits discrimination based upon national origin.

E. DRUG-FREE WORKPLACE
As a condition to receiving the HOPWA Funding, the Project Sponsor agrees to comply with the provisions of the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F, which requires that the Project Sponsor shall maintain a facility free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries.

F. EXPIRATION OR REVOCATION OF AGREEMENT
Upon the expiration or revocation of this Agreement, the Project Sponsor shall transfer to the City any HOPWA Funding on hand at that time and any accounts receivables attributable to the use of the HOPWA Funding.

G. ANTI-LOBBYING
Section 319 of Public Law 101-121, of the Department of the Interior Appropriations Act prohibits the Project Sponsor from using appropriated federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan, and requires that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Project Sponsor to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

H. AMERICANS WITH DISABILITIES ACT
The Project Sponsor agrees to comply fully with any and all provisions of the Americans with Disabilities Act (hereinafter referred to as “ADA”) as applicable to the Project Sponsor and the activities to be performed by Project Sponsor under the scope of this Agreement. If employing more than fifteen (15) employees, the Project Sponsor agrees to comply fully with Title I of ADA as set forth at 28 CFR Part 130. If providing “public accommodations” as defined by the Act in Section 301(7)(A)-(L), the Project Sponsor agrees to comply fully with Title III of ADA as set forth at 28 CFR Part 36. If providing public transportation, the Project Sponsor agrees to comply fully with the federal regulations as set forth at 49 CFR Parts 37 and 38.

I. CONFIDENTIALITY (24 CFR 574.440)
The Project Sponsor agrees to ensure the confidentiality of the name of any individual assisted under the HOPWA program and any other information regarding individuals receiving assistance.
HUD GENERAL INFORMATION

Guidance on the Restricted Use of HOPWA Funds for AIDS Drug Assistance and Other Healthcare Costs

As issued by HUD's Office of HIV/AIDS Housing, CPD on January 21, 1998

This memorandum provides guidance regarding the eligibility of AIDS drug assistance and other health-care costs under the Housing Opportunities for Persons With AIDS (HOPWA) Program. This guidance is provided to help ensure that activities under the HOPWA program are carried out in a manner that addresses the program's statutory purpose at 42 U.S.C. 12901 "to provide States and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of persons with acquired immunodeficiency syndrome and families of such persons."

To assure that communities address the critical housing needs of HOPWA beneficiaries, the Department is providing the following guidance on how grantees and their projects sponsors should use HOPWA resources in conjunction with other funding sources for AIDS drug assistance and health care, including payments for pharmaceuticals, such as the protease inhibitors or other prescription drugs. These health care products and services are provided to clients through federal funds for AIDS Drug Assistance Programs (ADAP) and under other Ryan White CARE Act components, as well as from other federal, state and local programs and private sources. A number of persons have expressed concerns that current regulations might be incorrectly interpreted to allow for the excessive use of HOPWA funds for these types of health payments and thereby reduce the amount of program funds that are used to address pressing housing needs.

In HUD's view, the planned commitment of HOPWA funds for ADAP and other health-care purposes would constitute the excessive use of this allowance and would be inconsistent with program regulations at 24 CFR part 574. This memorandum describes the limited circumstances under which such payments could be made, if approved and documented on an individual client basis. In addition, to better ensure consistency in administering Federal HIV-related programs, HUD is providing guidance that the availability of HOPWA supportive service activities should not be interpreted as authorizing health-care activities that would not be eligible under other federal HIV-related programs.

The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act, including activities supported by AIDS Drug Assistance Programs, are administered by the Health Resources and Service Administration at HHS. The HHS website has a fact sheet that further describes the AIDS Drug Assistance Programs and has links to additional resources. In addition, this HHS office and other administering agencies provide direction to ensure the appropriate use of these resources, for example, in connection with State authority to establish income and medical eligibility criteria and to determine how drugs will be purchased and distributed to clients. States also determine which drugs to include in their formularies and may implement cost-containment measures in managing these programs.

Except in the limited circumstances described in this guidance, HOPWA grantees are not authorized to designate HOPWA grant funds for ADAP-related or other health care payments as a proposed project under a consolidated plan submission or as a component of a
competitive application. The submission of this type of proposed project would not be an eligible activity under the statute and regulations and would constitute a valid basis for HUD to disapprove the HOPWA elements of a proposed annual submission under the Consolidated Plan or reject or modify an application under the competitive component of the program.

Current HOPWA regulations allow for payments for health services under 24 CFR 574.310(a): (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: (1) Under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or (2) By an entity that provides health services on a prepaid basis.

Further, the AIDS Housing Opportunity Act provides for a prohibition on the substitution of funds, which is reflected at 24 CFR 574.400, of the program regulations. HOPWA funds can not be used to replace other funding for activities that can reasonably be expected to be supported from other public and private sources.

1. Further Guidance on Restricted Use

HUD hereby advises that payments for health care costs, including costs of therapies, services and pharmaceuticals, may only be made, if approved and documented, on an individual basis. A payment is not eligible under HOPWA if that payment has been made, or can reasonably be expected to be made, with respect to that item or service from any federal, state, local or private program for which those activities are reimbursable or for which funds are made available by the Department of Health and Human Services, the Department of Veterans Affairs, the Social Security Administration and under payments authorized under State Medicaid waivers as well as other public and private compensation programs.

In the event that a HOPWA grantee seeks approval of supportive service activities that include payments for health-care costs, the grantee must have a verifiable means of assuring that its administering agency and any project sponsor comply with the payment requirement at 24 CFR 574.310(a). Grantees must establish and have HUD approval for their process that would be used to ensure that no substitution of funds occurs. Grantees may receive approval, for example, for a certification process to accomplish this task, if that process provides for documentation in files of the individual circumstances that justify this payment and if these files are available for HUD inspection. Further, the activity and a description of the verifiable process must be specifically addressed in any supportive services component of their HUD-approved consolidated plan or competitively-selected application. In reviewing the annual consolidated plan submission, HUD area offices will review any request for this type of activity for its consistency with this guidance. If needed, HUD may require grantees to revise its submission to document how they determine individual eligibility, prior to approval of the HOPWA elements of their consolidated plan submission.

The Department also advises that health-care payments may only be made in the case that no ADAP or other dedicated funds or other likely means of compensation for these purposes remain available in a jurisdiction or to the client, since that client would otherwise be eligible for assistance from that source. Under the limited circumstances described herein, if HOPWA funds are used to make a payment for these health-care costs, as authorized, the grantee must document evidence that the client would not otherwise receive this form of assistance.
2. **Applicability of Related Federal and State Policies**

This guidance is also provided to reduce the potential for using HOPWA funds for a health-care cost in a manner that might contradict the federal policy directives issued by HHS to administer the Ryan White CARE Act and ADAP activities. HUD guidance is provided that HOPWA health-care activities are limited to those activities that are eligible within the scope of these Federal HIV/AIDS-related programs. Under the limited circumstances discussed above, a HOPWA payment could only be made for those drugs and services that are eligible activities under ADAP and Ryan White CARE Act programs, such as the FDA-approved HIV treatments that have been included in the State’s formulary. In connection with the HOPWA payment requirement, this guidance is intended to help ensure that these related Federal funds are used in a consistent manner.

The Department recognizes that HOPWA grantees and their project sponsors have played a leading role in making housing assistance a vital component of our national response to the HIV epidemic. In our view, this guidance will help recipient communities undertake activities under the statutory purpose of this program by using these public resources to address the pressing housing needs of persons living with HIV/AIDS and their families. This guidance is intended to strengthen our commitment to comprehensive approaches that benefit persons and families in need and to ensure that this federal housing program is administered in a manner that upholds the public trust.

Area CPD Offices should share this document with HOPWA grantees, project sponsors and other interested parties.

Questions about this guidance on the HOPWA program should directed to the Office of HIV/AIDS Housing, 451 Seventh Street SW, Room 7212, Washington, DC 20410 or (202) 708-1934, (202) 708-9313 fax.

**Website**
http://hab.hrsa.gov
MONITORING

A. COMPLIANCE REVIEWS
The City of Las Vegas is responsible for ensuring that Project Sponsors comply with all regulations and requirements governing their administrative, financial and programmatic operations. This includes assuring that performance goals are achieved within the scheduled time frame, budget and when necessary taking appropriate actions when performance problems arise. Monitoring is not a "one-time-event".

The five basic steps to the formal monitoring visit include:

a. Notification Call or Letter - Explains the purpose of the visit, confirms date, scope of monitoring and outlines the information that will be needed to conduct the review.
b. Entrance Conference - Introduces monitoring visit purpose, scope and schedule.
c. Documentation and Data Gathering - The City will review and collect data and document conversations held with staff, which will serve as the basis for conclusions drawn from the visit. This includes reviewing client files, financial records, and agency procedures.
d. Exit Conference - At the end of the visit the City will meet again with the key agency representatives to present preliminary results, provide an opportunity for the agency to correct misconceptions and report any corrective actions already in the works.
e. Follow-Up Letter - The City will forward a formal written notification of the results of the monitoring visit pointing out problem areas and recognizing successes. The agency will be required to respond in writing to any problems or concerns noted.

NDD estimates that the staff will conduct at minimum, annual monitoring reviews. The NDD staff person assigned to the Agency will conduct the review.

Reviews will include, but are not limited to the following areas:

- Client statistics and records;
- HIV/AIDS diagnosis
- Initial and continued client eligibility;
- Contract with City and required liability insurance;
- Grant funded equipment inventory;
- Grant funded personnel records;
- Compliance with the HOPWA Regulations;
- HUD low and moderate income guidelines;
- Accounting and payroll records if applicable. (W-2 Forms for verification).

B. PROGRAMMATIC CLOSE-OUT
Programmatic close-out will consist of, but will not be limited to, the following:

1. Review and verification of annual client statistical and narrative report due 15 days after the end of the program year - July 15th. Your June report with year-to-date client totals, along with a program narrative will suffice.

2. Review of Project Sponsor record keeping system, including, but not limited to:
   a. Activity documentation
   b. Personnel files
   c. Inventory control files

3. Evaluation of activity and program accomplishment
C. FINANCIAL CLOSE-OUT
Finance close-out will consist of, but will not be limited to the following:

1. Review and verification of information submitted in the final drawdown request.

2. Review of Project Sponsor record keeping system:
   a. Accounting records and ledgers
   b. Source documentation (invoices, time cards, canceled checks, etc.)
   c. Budget documentation (modifications, etc.)
   d. Equipment purchases

3. Evaluation of activity financial accomplishment

D. INTERVENTION and SANCTIONS
The City is responsible for ensuring that problems areas are corrected. We will make every effort to work with the agency to find solutions. However, Project Sponsors will be held accountable for the performance standards outlined in the Project Sponsor contract and CDBG Handbook. The City will use three increasingly serious stages to identify and address Project Sponsor problem areas.

Stage One Early Intervention
Plan a strategy, which provides training and technical assistance and more frequent and thorough reporting and monitoring reviews.

Stage Two Intervention (More Serious or Persistent Problems)
The City may restrict payment requests, disallow expenses, require repayment or impose probationary status.

Stage Three Sanctions
The City may temporarily suspend the Project Sponsor from participation in the program, not renew the agency’s contract for next program year, and terminate the contract or initiate legal action.

E. MONITORING PROGRAM MANUAL
For more information on monitoring, please refer to the Neighborhood Services Monitoring Program Manual. Further, visit the websites below.

http://www.hud.gov/offices/cpd/aidshousing/programs/
http://www.hudhre.info/

V. EXHIBITS
Project Sponsors are responsible for reporting requirements and maintaining records on the clients they serve.

Neighborhood Services has developed and provided forms for use by agencies who administer HOPWA funds to meet these requirements. Agencies should incorporate as many of the provided forms as needed to properly obtain information and provide services. When agencies are monitored, submit monthly reports, and reimbursements, these are the preferred formats Neighborhood Services would like the agencies to use when possible.

Should the agency have any questions regarding the Exhibits in this manual, they should contact the HOPWA Coordinator.

Failure to gather proper statistical information, provide financial information, or keep consistent books and records, may result in audit concerns and or findings, and could jeopardize current and future funding.
# EXHIBIT 1

## HOPWA ASSISTANCE APPLICATION

Client # ___________ DOB/Age ___________ Name_________________

Date to Begin Payments _________________ Mail?:  _____Yes  _____No

Street Address _______________________________________ Phone__________________

City ________________________ State _____ Zip ___________ SSN ____________________

**Gender:**  ____Male ___ Female  **Ethnicity:**  ____Hispanic ___ Non-Hispanic

**Race:**  ____White ___ Black/African-American ___ Asian ___ American Indian/Alaskan

___Native Hawaiian/Pacific Islander ___ American Indian/Alaskan Native & White ___ 

Asian & White ___ Black/African American & White ___ Am. Indian/Alaska Nat. & Black/African Am. ___ Other ___ Multi-Racial

## RECENT LIVING SITUATION

<table>
<thead>
<tr>
<th>Homeless from the streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless from Emergency Shelter</td>
</tr>
<tr>
<td>Transitional housing</td>
</tr>
<tr>
<td>Psychiatric facility</td>
</tr>
<tr>
<td>Substance abuse treatment facility</td>
</tr>
<tr>
<td>Hospital or other medical facility</td>
</tr>
<tr>
<td>Jail/Prison</td>
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<tr>
<td>Domestic Violence Situation</td>
</tr>
<tr>
<td>Living with relatives/friends</td>
</tr>
<tr>
<td>Rental housing</td>
</tr>
<tr>
<td>Participant owned housing</td>
</tr>
<tr>
<td>Other (specify) __________________</td>
</tr>
</tbody>
</table>

*DO NOT INCLUDE LANDLORD or LANDLORD’S FAMILY MEMBERS

If a participant came from one of these facilities but was there less than 30 days and was living on the street or in emergency shelter before entering the treatment facility, they should be counted in either the street or shelter category, as appropriate.

## FAMILY RELATIONSHIPS

Name/Race/Gender/Age/Relationship

Roommates: Applicant has _____ roommates.

[Attach income verification]

Monthly Family/Household Income: Entry Income $__________ (Attach income verification)

Exiting/End of Year Income $______________ (Attach income verification)

Housing Facility Information: _____ SRO  _____ 0 Bdrm  _____ 1 Bdrm  _____ 2 Bdrm

_____ 3 Bdrms  _____ 4 Bdrms  _____ 5 + Bedrooms

Number in Household by Age: ____ under 18 with HIV ____ under 18 without HIV

_____ 18 and above with HIV _____ 18 and above without HIV

Number of Households exiting Housing Assistance for (Destination/Life Event):

Private Housing: _____ Temporay Housing: _____ Other HOPWA: _____ Emergency Shelters: _____

Other Housing Subsidy: _____ Jail/Prison: _____ Institution: _____ Disconnected: _____ Death/Life Event: _____ Total Exiting: _______
EXHIBIT 2
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

PHYSICIAN’S STATEMENT OF HIV VERIFICATION

Applicant’s Name: ____________________________________________
Social Security Number: _______________________________________

I certify that __________________________________________ has
tested positive for the Human Immunodeficiency Virus.

Physician’s Printed Name: ______________________________________
Signature of Physician: _________________________________________
License#: ______________________ State Issued: __________
Date: ______________________
Telephone: ______________________
Fax: ______________________

NOTES:
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
EXHIBIT 3
VERIFICATION OF NO INCOME

Housing Opportunities for Persons With AIDS

I, ________________________________, have applied for emergency or rental assistance through the HUD Housing Opportunities for Persons with AIDS program. The United States Government requires verification of all income.

I have stated during this verification process that I have no income at this time. I have not received income since __________________________. I do not expect to receive any income until __________________________________________.

I applied for SSD or SSI on _____________ (date).

I verify that all statements regarding my income are true.

Signature: ________________________________ Date: ____________________

Witness: ________________________________ Date: ____________________

Case Manager/Care Coordinator’s Notes:

NOTE: Clients with no income may only qualify for STRMU assistance which has time limits.
EXHIBIT 4

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

PERMISSION TO SHARE CONFIDENTIAL INFORMATION TO SECURE NECESSARY SERVICES

I authorize personnel of ______________________________ or this local agency ________________________________ to share my identity, the fact that I have a confirmed diagnosis of HIV or AIDS, and that I seek their services for support. I authorize only those agencies or individuals who are listed below. Unless I have initialed and signed additional release forms for specific purposes, no information which might identify me may be shared by representatives of ________________________________ or this Agency with any other person or organization. I understand that ________________________________ or this Agency will take all necessary precautions to protect my identity.

By my signature below, I hereby agree that I shall not hold ________________________________ or this Agency ________________________________ liable for the performance or quality or degrees of performance of services agreed to by affiliates. I authorize ________________________________ and this Agency ________________________________ to release my identity, my HIV/AIDS status when necessary, and my need for services and support to the individuals, groups, or agencies listed below.

<table>
<thead>
<tr>
<th>Name of Authorized Persons*</th>
<th>Applicant’s Initials</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Name:</td>
<td></td>
<td></td>
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<tr>
<td>Case Manager:</td>
<td></td>
<td></td>
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<tr>
<td>Physician:</td>
<td></td>
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<tr>
<td>Clinic:</td>
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</tbody>
</table>

*This includes Clergy, Counselors, other Agencies, Family members, Attorneys, Landlords, or anyone that the client may so choose.

My signature below, authorizes ________________________________ (Agency) to release necessary information to the agencies and individuals initialed by me, above. Further, if I am unable to participate in a determination of those services that would be of benefit to me, or my permission is needed in the future to authorize additional services for this program, my signature below authorizes the named individual to sign for assistance for me in my absence after receiving my verbal permission. Finally, if I am unable to make decisions, the person listed below is hereby authorized to represent me:

Print Name of Designated Individual | Relationship |
-----------------------------------|-------------|
Address                            | Phone/Fax   |
Client Signature                   | Date        |
Witness Signature                  | Date        |

NOTES:
**HOPWA HOUSING ASSISTANCE APPLICATION**

Client # _________ City/County of Residence ____________________________________________

Payments to begin: _______ Dates covered for rent: From __________ (M/D/Y) ___________ (M/D/Y)

*(If emergency housing/short term assistance, use calculation sheet in this manual to keep track of the 21 weeks allowed in a 52-week period. A client cannot receive more than 21 weeks assistance out of a 52-week period, unless a waiver has been received from HUD, per 24CFR, Part 574.330, (a) (2), requested through the City of Las Vegas)*

**Assistance Calculation**

A. Total rent charged by landlord $ __________________

B. Tenant’s utility costs $ __________________

C. Total rent and utilities $ __________________

D. Fair Market rent allowable by unit size $ __________________

E. Amount of assistance allowable $ __________________

F. TOTAL PAID $ __________________

**Important information for the applicant:**

- All rent payments are made directly to the landlord.
- Applicant must pay the balance, if any, that is due to the landlord.
- The applicant must supply a copy of the lease or rental agreement which must include the following:
  - The beginning date of the lease/rental agreement.
  - The address where the applicant lives.
  - The amount of rent paid and all roommates listed on the lease/agreement.
  - The signatures of the applicant and the landlord.
  - Copy of the lease/agreement in file. □ Copy of the lease/agreement is **not** in file.

I certify that all of the information and the amount of my income and financial resources on this application are correct and true. And by signing below, I certify that I have been informed that this assistance is funded by the United States Department of Housing and Urban Development (HUD). I understand that I am legally responsible for the statements I make to receive assistance to pay my rent. I have been informed that I am subject to the laws and statutes of HUD in regard to making untrue statements.

Further, I am aware that if my income changes, or if I move, or if the number of persons that reside in my dwelling change, I am obligated to inform the Agency’s representative immediately. If I do not, my assistance will be jeopardized.

Applicant Signature ___________________ (Date) Authorized Agent ___________________ (Date)

Landlord’s name (Check made payable to): ____________________________________________

Address: ____________________________________________

City: ___________________ State: ___________ Zip Code: ___________

Landlord Daytime Phone: ___________________ Fax: ___________________
EXHIBIT 6

HOPWA HOUSING ASSISTANCE WORKSHEET

Client # ____________

ASSISTANCE CALCULATION

The United States Housing Act of 1937 requires each family receiving assistance to pay the highest of:
30% of the family’s monthly adjusted income; or 10% of the family’s monthly gross income. Use the chart below to assist in documenting the client’s maximum rent.

<table>
<thead>
<tr>
<th>Step</th>
<th>Calculations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>HOPWA rent allowable (from Pg. 43, Line D), or Applicant’s actual rent. Enter the lesser of the two: Actual rent: $___________ HOPWA rent allowed: $___________</td>
</tr>
<tr>
<td>2.</td>
<td>10% of Monthly Gross Income TOTAL RESIDENT RENT PAYMENT (Page 43, Line #10) = $___________</td>
</tr>
<tr>
<td>3.</td>
<td>30% of Monthly Gross Income + Utility Allowance TOTAL RESIDENT RENT PAYMENT (Page 43, Line #12) = $___________</td>
</tr>
<tr>
<td>4.</td>
<td>Enter the larger dollar amount from line 2 or line 3. This is the amount the tenant will pay. $___________</td>
</tr>
<tr>
<td>5.</td>
<td>Subtract line 4 from line 1. This is the HOPWA Rental Amount to be paid to the landlord. $___________</td>
</tr>
</tbody>
</table>

Please note:
Program cannot pay a lesser amount. For Short-Term Rental Assistance, the HOPWA Rental Amount to be paid to the landlord is Line #1. For Long-Term Rental Assistance, the HOPWA Rental Amount to be paid to the landlord is Line #5.

Notes:


EXHIBIT 7
HOPWA CONTACT NOTES
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Agency: ______________________________________

Client or Applicant # ___________________________ SSN ____________________

Medicaid # _____________________________ Date of Contact _______________________

Time Start _____________ Time Stop _____________ Total Time _______________

Additional Information Required:

<table>
<thead>
<tr>
<th>Information Required</th>
<th>Date Received</th>
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Comments related to need for assistance. Include statement of homelessness or imminent homelessness and plans to find housing or to provide for housing before next rectification date. If need is related to increased burden of medication/treatment, please indicate amount of increased monthly burden paid for by the applicant. Homelessness is defined as not having an adequate nighttime residence.

Case Manager/Care Coordinator: _____________________________ Date: _____________
### EXHIBIT 8

**HOPWA FILE HISTORY LOG**

Client’s Name: ______________________________  S/S # __________________

Client No. ______________________________

<table>
<thead>
<tr>
<th>DATE</th>
<th>STAFF</th>
<th>REMARKS</th>
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<tbody>
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</table>
**EXHIBIT 9**

**HOPWA CLIENT FILE CHECKLIST**
**LAS VEGAS, NV EMSA**

<table>
<thead>
<tr>
<th>Client Name:</th>
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<tbody>
<tr>
<td>Client Number:</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td></td>
</tr>
<tr>
<td>Phone/Fax/E-Mail:</td>
<td></td>
</tr>
<tr>
<td>HIV Verification Attached:</td>
<td></td>
</tr>
<tr>
<td>Household Income Verification</td>
<td></td>
</tr>
<tr>
<td>(Attach Income Worksheet form or Verification of No Income form)</td>
<td></td>
</tr>
<tr>
<td>Notes on Income Verification:</td>
<td></td>
</tr>
<tr>
<td>Date of First Contact:</td>
<td></td>
</tr>
<tr>
<td>Date Assistance Started:</td>
<td></td>
</tr>
<tr>
<td>Type of Assistance:</td>
<td></td>
</tr>
<tr>
<td>Additional Information:</td>
<td></td>
</tr>
<tr>
<td>Case History:</td>
<td></td>
</tr>
<tr>
<td>Client Rent Calculation, if Applicable</td>
<td></td>
</tr>
<tr>
<td>Individual Service Plan Attached</td>
<td></td>
</tr>
<tr>
<td>Termination Policy Signed and Attached</td>
<td></td>
</tr>
<tr>
<td>Termination Sheet Attached, if Applicable</td>
<td></td>
</tr>
<tr>
<td>Housing Inspection Performed - HQS form attached</td>
<td></td>
</tr>
<tr>
<td>Tenant Inspection Checklist Form Attached</td>
<td></td>
</tr>
<tr>
<td>Lead Based Paint Acknowledgement Form Attached, if housing assistance includes children under 6 years old.</td>
<td></td>
</tr>
<tr>
<td>Annual Reassessments Attached: Income and HQS</td>
<td></td>
</tr>
<tr>
<td>Note Other Forms Attached:</td>
<td></td>
</tr>
<tr>
<td>Housing Code Complaint Hot Lines:</td>
<td></td>
</tr>
<tr>
<td>City of Las Vegas: 229-6615, Neighborhood Response</td>
<td></td>
</tr>
<tr>
<td>Clark County: 455-4191, Public Response</td>
<td></td>
</tr>
<tr>
<td>City of Henderson: 565-2347, Code Enforcement</td>
<td></td>
</tr>
<tr>
<td>City of North Las Vegas: 633-1677, Code Enforcement</td>
<td></td>
</tr>
<tr>
<td>NOTES:</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT 10

GROSS INCOME WORKSHEET
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

HOPWA regulations 24CFR574.310d(1)(2)(3) state: “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 24CFR5.609); (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.” Documentation and Verification of Income: As a condition of participation in the program, each client must agree to supply such certification, release, information, or documentation as the agency determines to verify the client’s income.

This worksheet will determine the Annual Gross Income and calculate the 10% of the resident’s gross annual income. For income exclusions, see Appendix E.

1. Wages and salaries, overtime pay, commissions, fees, tips and bonuses, other compensation for personal services prior to payroll deductions. (Applies to client and all household members over 18 years old.) $_______

2. Periodic payments from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, excluding lump sum payments for the delayed start of a periodic payment. $_______

3. Payments in lieu of earnings, such as unemployment, disability, worker’s compensation, and severance pay. $_______

4. WELFARE ASSISTANCE, including payments made under other programs funded, separately or jointly, by federal, state, or local governments which are not excluded by Federal Statutes (see Income Exclusions). $_______

5. Periodic allowances including alimony and child support payments, and regular contributions or gifts received from organizations or persons not residing in the residence. $_______

6. Net income from operation of a business or profession; interest, dividends, and other net income of any kind from real or personal property. $_______

7. All regular pay, special pay and allowances of a member of the Armed Forces (Except Hostile Fire Pay). $_______

8. Any earned income tax credit to the extent it exceeds income from tax liability. $_______

ANNUAL GROSS INCOME* TOTAL OF 1-8 $_______

*The total income of the household is from all sources anticipated to be received in the 12-month period following the effective date of the income certification.

9. MONTHLY GROSS INCOME (Annual Gross Income divided by 12) $_______

10. RESIDENT PAYMENT PORTION (10% of MONTHLY GROSS INCOME) (Round Up) $_______

Note: Annual gross income must be reassessed at least annually. However, if there is substantial change in the household’s income during the year, adjustment must be made to the payable rent to reflect the change in income.
EXHIBIT 11

ADJUSTED INCOME RESIDENT RENT CALCULATION WORKSHEET
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Per HUD regulations 24CFR5.611(a) the annual adjusted income is determined by deducting the following allowances from the annual gross income carried forward from the Gross Income Worksheet.

<table>
<thead>
<tr>
<th>Allowance Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENTER ANNUAL GROSS INCOME FROM GROSS INCOME WORKSHEET HERE</td>
<td>$</td>
</tr>
<tr>
<td>1. $480.00 FOR EACH DEPENDENT Dependents, including household members under the age of 18, elderly dependents, handicapped, disabled, or full-time students, but not the family head, spouse or foster children.</td>
<td>$</td>
</tr>
<tr>
<td>2. $400 FOR ANY ELDERLY OR DISABLED FAMILY MEMBER This allowance is provided to any family whose head, spouse, or sole member is at least 62 years of age with HIV or AIDS (ONLY ONE DEDUCTION PER FAMILY/HOUSEHOLD PER YEAR)</td>
<td>$400.00</td>
</tr>
<tr>
<td>3. ANY REASONABLE CHILDCARE EXPENSES These are expenses anticipated during the year for children 12 years of age and under that enable a household member to work, seek employment, or to further education. Deductible expenses for childcare to enable a person to work shall not exceed the amount of income received from such work. Childcare cannot be paid to another member of the household. (ONLY EXPENSES NOT REIMBURSED FROM ANY OTHER SOURCES ARE ALLOWED.)</td>
<td>$</td>
</tr>
<tr>
<td>4. EXPENSES FOR NON-ELDERLY DISABLED FAMILY MEMBERS This allowance covers reasonable expenses anticipated during the period for attendant care (provided by a non-household member) and/or auxiliary apparatus for any disabled household member that enables that person or any other household member to work. ONLY EXPENSES NOT REIMBURSED FROM ANY OTHER SOURCES IN EXCESS OF 3% OF THE ANNUAL GROSS INCOME ARE ALLOWED.)</td>
<td>$</td>
</tr>
<tr>
<td>ENTER TOTAL non-reimbursed expenses for this category $ __________</td>
<td></td>
</tr>
<tr>
<td>Subtract Annual Gross Income X .03 $ __________ Enter Difference Here</td>
<td>$</td>
</tr>
<tr>
<td>5. MEDICAL EXPENSES AND/OR ASSISTANCE FOR ANY ELDERLY OR DISABLED FAMILY MEMBER. If deductions are taken on this line for medical expenses, the deduction on line 2 must also be taken. (ONLY EXPENSES NOT REIMBURSED FROM ANY OTHER SOURCES IN EXCESS OF 3% OF THE ANNUAL GROSS INCOME ARE ALLOWED.)</td>
<td>$</td>
</tr>
<tr>
<td>ENTER TOTAL non-reimbursed expenses for this category $ __________</td>
<td></td>
</tr>
<tr>
<td>Subtract Annual Gross Income X .03 $ __________ Enter Difference Here</td>
<td>$</td>
</tr>
<tr>
<td>6. EARNED INCOME DISREGARD/SELF-SUFFICIENCY INCENTIVES FOR PERSONS WITH DISABILITIES. In addition to deductions mandated in 24CFR5.611(a), HUD requires disregard for income to previously unemployed persons with disabilities who have earned income as described in 24CFR5.617(a)(b)(c)(d).</td>
<td>$</td>
</tr>
</tbody>
</table>

For additional guidance, refer to the Income Exclusions – Appendix E. $
7. **ANNUAL ADJUSTED INCOME.** (Subtract line #’s 1 through 6 from the ANNUAL GROSS INCOME) $________

8. **MONTHLY ADJUSTED INCOME.** (ANNUAL ADJUSTED INCOME divided by 12) $________

9. **RESIDENT PAYMENT PORTION.** (30% of MONTHLY ADJUSTED INCOME) $________

10. **RESIDENT PAYMENT PORTION** *(Carry over line #9)* $________

When determining the resident’s payment portion for units where utilities are not included in the rent, follow steps 10-12:

11. **UTILITY ALLOWANCE** per HUD Guidelines *(Subtract from line #10)* $________

See Page 45 of this program manual for the HUD-approved utility allowances chart for Multi-family Apartments from the Housing Authority of the City of Las Vegas $________

12. **TOTAL RESIDENT RENT PAYMENT** $________

**NOTE:** After the 10% and 30% calculations have been done, the client must pay the higher of the two amounts. If either the 10% gross or 30% adjusted income amounts are greater than the Fair Market Rent (FMR- or rent standard) (see page 30) or the resident’s actual rent, the applicant is not eligible for long-term HOPWA rental assistance.

*If line #10 is a negative number, the tenant must pay 10% of gross income based on the HOPWA regulations 24CFR574.310d(1)(2)(3) which state:*

“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 24CFR5.609); (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.”
EXHIBIT 12

LANDLORD’S RENTAL ASSISTANCE AGREEMENT

PARTICIPANTS

RE: Owner/Landlord: __________________________ Tenant: __________________________

FROM: ________________________________________ Agency.

AGREEMENT

This Rental Assistance Agreement is entered into between ____________________________
(hereinafter “Agency”) and _____________________________, (hereinafter “Owner)

The purpose of this agreement is to provide rental assistance to the tenant in order to lease a decent,
safe, and sanitary dwelling unit from the Owner. The Agency will make rental assistance payments to
the Owner on behalf of the tenant in accordance with this agreement.

This agreement is not intended to replace any rental agreement that may exist between the Owner and
the tenant. All terms of any such agreement apply throughout the duration of rental assistance provided
by the Agency.

1. Dwelling Unit And Tenant

   This agreement applies only to the tenant/family and the dwelling unit designated below:

   Dwelling Unit: ______________________________
   Address: ____________________________________
   Tenant: ______________________________________

2. Term of Agreement

   The term of this Agreement shall begin on ___________ and shall end upon 30 days written notice
   from the Agency.

3. Rent: Rental Assistance Payment

   • The total monthly rent payable to the Owner during the term of this Agreement is $_________ per
     month (“Contract Rent”). Should the amount of the Contract Rent change during the term of this
     rental assistance agreement, the tenant must notify the Agency at least two weeks prior to the
     effective date of said change.

   • The portion of the rent payable by the tenant will be an amount determined by the Agency. This
     amount is the maximum amount the Owner can require the tenant to pay for rent of the unit,
     including all services, maintenance and utilities to be provided by the Owner in accordance with the
     Lease. The amount of the Tenant Rent is subject to change during the term of the Agreement. Any
     changes in the amount of the Tenant Rent will be effective on the date stated in a notification
     by the Agency to the Tenant and the Owner. Initially and until such change, the Tenant shall pay $___________
     per month to the Owner as the Tenant Rent.
Each month the Agency shall make a rental assistance payment to the Owner on behalf of the Tenant in accordance with this Agreement. The monthly rental assistance payment is equal to the difference between the Contract Rent and the Tenant Rent. The amount of the rental assistance payment shall be determined by the Agency. Any change in the amount of the rental assistance payment shall be effective as of the date stated in a notification by the Agency to the Tenant and the Owner. Initially and until such change, the amount of the rental assistance payment shall be $______________ per month. The Agency assumes no obligation for the Tenant rent or for payment of any claim by the Owner against the Tenant, for damages or other amounts owed the Owner.

The Owner shall be paid under this Agreement on or about the first day of the month for which the rental assistance payment is due.

4. **Reimbursement of Deposit**

If the Agency has paid for the Tenant’s rental deposit, the Owner agrees to reimburse the Agency upon termination of the lease.

5. **Owner Compliance With State And Local Law**

The Owner agrees to rent the dwelling unit in accordance with State and Local Laws including the provision of all the services, maintenance and utilities as agreed to in the Lease. If the Agency determines that the Owner is not meeting this obligation, the Agency shall have the right, even if the Tenant continues in occupancy, to terminate or reduce rental assistance payments to the Owner, and to terminate this agreement.

6. **Nondiscrimination In Housing**

The Owner shall not, in the provision of services, or in any other manner, discriminate against any person on the ground of age, race, color, creed, religion, sex, handicap, or national origin.

<table>
<thead>
<tr>
<th>Print/type Agency Representative</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print/type Name of Tenant</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td>Print/type Name of Owner/Landlord</td>
<td>Signature</td>
<td>Date</td>
</tr>
</tbody>
</table>

Owner/landlord’s Social Security or Federal Tax ID # ______________________________

The party, if any, executing this Agreement on behalf of the Owner hereby warrants that authorization has been given by the Owner to execute it on behalf of the Owner.

<table>
<thead>
<tr>
<th>Owner’s Representative: ___________________</th>
<th>Signature: ___________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print/Type</td>
<td>Date</td>
</tr>
</tbody>
</table>
EXHIBIT 13

HOPWA LONG-TERM RENTAL ASSISTANCE
CLIENT SERVICE AGREEMENT

This agreement is entered into between ________________________ (hereinafter “Client”) in the HOPWA rental assistance program, for the unit at ____________________, effective __________________, and __________________________ (hereinafter “Agency”).

1. Purpose

   The HOPWA Rental Assistance Program provides rental assistance to clients who meet program eligibility requirements. The program is designed to assist people who have permanent housing.

2. Program Eligibility

   To participate in this program one must be HIV positive and have a household income less than 80% of the area median income.

3. Unit Eligibility

   • Units for which rental assistance may be used must meet HUD prescribed Housing Quality Standards before rental assistance can be approved.
   • Agency will be responsible for inspecting potential residential units.
   • The rent charged for the Client’s unit may not exceed the Section 8 fair market rent for the unit size (see attached for fair market rent amounts).

4. Rent and Rental Subsidy

   • The total monthly rent payable to the Landlord during the term of this agreement is $______________ per month (“Contract rent”)
   • The portion of the rent payable by the Client will be the higher of: 30% of the Client’s adjusted gross income, 10% of their gross income, or 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.
   • The amount of the client’s rent is subject to change during the term of the agreement upon a change in the Client’s income. Any changes in the amount of the Client’s rent will be effective on the date stated in a notification by the Agency to the Client and the Landlord.
   • Agency will make a rental assistance payment to the Landlord that is equal to the difference between the Contract Rent and the Client’s payment. Any change in the amount of the rental assistance payment shall be effective as of the date stated in a notification by Agency to the Client and the Landlord. Initially and until such a change, the amount of the rental assistance payment will be $__________ per month.
   • Agency assumes no obligation for the Client’s rent or for payment of any claim by the Landlord against the Client for damages or other amounts owed the Landlord.
   • The Client’s payment and Agency’s payment will be paid to the Landlord on the first of the month or according to the terms of the Lease.
5. **Rental Assistance Termination**

- **Termination by Agency:** The client may be subject to immediate termination from the HOPWA Rental Assistance Program for violation of the unit lease agreement, non-compliance with housing policy, or inappropriate behavior which may include but is not limited to: the use of trafficking in illegal substances on the premises, the use of the premises for purposes of prostitution, physical and/or verbal abuse, threats, the use of a weapon, theft, destruction of property, disturbing the peace or any illegal activity.

- Upon a decision to terminate from services, the Agency will serve the Client with written notice of the termination. The Client then has the right to have this decision reviewed.

- **Termination by the Client:** Should the Client decide to terminate his/her participation in the program, he/she must give 30 days written notice to both the landlord and to his/her case manager/care coordinator.

- **Termination by the Landlord:** The Landlord retains the right to evict the Client for violation of the lease. The Landlord must follow legal eviction procedures. The Agency’s payments to the Landlord will stop should eviction proceedings begin.

6. **Changes in Income**

The client must inform the Agency of any changes in household income.

7. **Additional Tenants**

The Client must abide by the terms of the lease if he/she wants an additional person to move into the unit. The Client must notify both the agency case manager and the landlord if someone moves in or out of the unit.

I, _____________________, (Client) understand and agree to abide by these terms as a client in the Rental Assistance Program.

_________________________ 
Client’s Signature 

_________________________ 
Date

I, _______________________________, a Case Manager/Care Coordinator for the Agency, understand and agree to abide by these terms.

_________________________ 
Case Manager’s Signature 

_________________________ 
Date

NOTES:________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 54
EXHIBIT 14

SHARED HOUSING RENT CALCULATION

STEP 1. Determine who lives in the dwelling and who can be assisted

A. Does the owner live in dwelling? _______Yes _______ No
   If yes, is this a one-bedroom unit? _______Yes _______ No
   If yes, the household cannot be assisted under shared housing
   If the owner lives in the dwelling, is the owner related to the client?
      _______ Yes _______ No

B. Does the client have family members living in the dwelling? _______Yes _______ No
   If yes, how many family members, including the client, reside there?_______

C. How many total persons reside in the dwelling? _______
   If more than 12, the family cannot be supported in this shared housing arrangement.

STEP 2. Determine whether the housing is suitable for the family to be assisted

A. Are there sufficient bedrooms for the individual/family members, based on HUD guidelines?
   _______ Yes_______ No

B. If there are disabled persons residing in the dwelling, do the private and common spaces accommodate the disability? _______ Yes _______ No
   If no, the individual/family cannot be supported in this shared housing arrangement.

STEP 3. Calculate income eligibility of the individual/family.

Determine the pro-rata portion of the Fair Market Rent (FMR) by dividing the number of bedrooms occupied by the assisted individual/family by the number of bedrooms in the unit.

Example: For an individual who occupies 1 bedroom of a 2-bedroom dwelling, the rental portion would be ½ of the FMR for a 2-bedroom unit.
Juan rents a room in Anton’s 2-bedroom apartment, in Las Vegas. Anton pays $1,200 per month rent for the unit.

- The fair market rent in the Las Vegas EMSA for a 2-bedroom unit, as of March 2004, is $856 per month.
- Juan would pay $428.00 per month for his 1-bedroom portion, based on $856 (Fair Market Rent for a 2-bedroom unit) $856÷2 = $428.00

Note: Utilities are calculated the same way: based on the allowable by local Housing Authority guidelines, divided by the total number of bedrooms being assisted by HOPWA.
# EXHIBIT 15
UTILITY ALLOWANCE CHART (SAMPLE) MULTI FAMILY

<table>
<thead>
<tr>
<th>Locality</th>
<th>Clark County Nevada Combined Utility Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Monthly Dollar Allowances</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utility or Service</th>
<th>Unit Type</th>
<th>Date</th>
<th>0 BR</th>
<th>1 BR</th>
<th>2 BR</th>
<th>3 BR</th>
<th>4 BR</th>
<th>5 BR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heating</td>
<td>Multi-Family</td>
<td>10/1/2008</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$18</td>
<td>$21</td>
<td>$24</td>
<td>$26</td>
<td>$30</td>
<td>$33</td>
<td></td>
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</tr>
<tr>
<td>b. Electric</td>
<td>$18</td>
<td>$24</td>
<td>$29</td>
<td>$34</td>
<td>$41</td>
<td>$46</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Heat Pump</td>
<td>$9</td>
<td>$12</td>
<td>$14</td>
<td>$17</td>
<td>$20</td>
<td>$23</td>
<td></td>
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</tr>
<tr>
<td>Air Conditioning</td>
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<td>$32</td>
<td>$40</td>
<td>$51</td>
<td>$64</td>
<td>$74</td>
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<tr>
<td>Evaporative Cooler</td>
<td>$6</td>
<td>$8</td>
<td>$10</td>
<td>$13</td>
<td>$16</td>
<td>$19</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$10</td>
<td>$10</td>
<td>$11</td>
<td>$12</td>
<td>$13</td>
<td>$13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Electric</td>
<td>$11</td>
<td>$11</td>
<td>$14</td>
<td>$14</td>
<td>$16</td>
<td>$16</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Electric</td>
<td>$29</td>
<td>$31</td>
<td>$35</td>
<td>$41</td>
<td>$46</td>
<td>$54</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Heating</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$13</td>
<td>$17</td>
<td>$20</td>
<td>$28</td>
<td>$36</td>
<td>$43</td>
<td></td>
<td></td>
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<tr>
<td>b. Electric</td>
<td>$11</td>
<td>$19</td>
<td>$26</td>
<td>$41</td>
<td>$58</td>
<td>$74</td>
<td></td>
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<tr>
<td>Water</td>
<td>$9</td>
<td>$11</td>
<td>$13</td>
<td>$18</td>
<td>$23</td>
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<td></td>
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<tr>
<td>Sewer</td>
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<td></td>
</tr>
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<td>a. Las Vegas/Henderson</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
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<tr>
<td>b. North Las Vegas</td>
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<td>$15</td>
<td>$19</td>
<td>$31</td>
<td>$43</td>
<td>$54</td>
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</tr>
<tr>
<td>Trash Collection</td>
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<td>$14</td>
<td>$14</td>
<td>$14</td>
<td>$14</td>
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<td></td>
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</tr>
<tr>
<td>Refrigerator</td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
<td>$6</td>
<td>$6</td>
<td>$6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Range/Microwave</td>
<td>$4</td>
<td>$4</td>
<td>$4</td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actual Family Allowances</th>
<th>Utility or Services</th>
<th>Per Month Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Family</td>
<td>Heating</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Air Conditioning</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Evaporative Cooler</td>
<td></td>
</tr>
<tr>
<td>Address of Unit</td>
<td>Cooking</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Electric</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water Heating</td>
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</tr>
<tr>
<td></td>
<td>Water</td>
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</tr>
<tr>
<td></td>
<td>Sewer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trash Collection</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Refrigerator</td>
<td></td>
</tr>
<tr>
<td>Number of Bedrooms</td>
<td>Range</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>$0</td>
</tr>
</tbody>
</table>

Previous editions are obsolete

ref. Handbook 7420.8

Form HUD-52667
(12/97)
## EXHIBIT 16
### UTILITY ALLOWANCE CHART (SAMPLE) SINGLE FAMILY

<table>
<thead>
<tr>
<th>Locality</th>
<th>Clark County Nevada Combined Utility Allowance</th>
<th>Unit Type</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Combined Utility Allowance</td>
<td>Single Family</td>
<td>10/1/2008</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utility or Service</th>
<th>0 BR</th>
<th>1 BR</th>
<th>2 BR</th>
<th>3 BR</th>
<th>4 BR</th>
<th>5 BR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heating</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$24</td>
<td>$28</td>
<td>$32</td>
<td>$36</td>
<td>$39</td>
<td>$42</td>
</tr>
<tr>
<td>b. Electric</td>
<td>$29</td>
<td>$36</td>
<td>$43</td>
<td>$51</td>
<td>$59</td>
<td>$64</td>
</tr>
<tr>
<td>c. Heat Pump</td>
<td>$14</td>
<td>$18</td>
<td>$22</td>
<td>$25</td>
<td>$29</td>
<td>$32</td>
</tr>
<tr>
<td><strong>Air Conditioning</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$29</td>
<td>$38</td>
<td>$48</td>
<td>$60</td>
<td>$74</td>
<td>$85</td>
</tr>
<tr>
<td><strong>Evaporative Cooler</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$7</td>
<td>$9</td>
<td>$12</td>
<td>$15</td>
<td>$19</td>
<td>$21</td>
</tr>
<tr>
<td><strong>Cooking</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$10</td>
<td>$10</td>
<td>$11</td>
<td>$12</td>
<td>$13</td>
<td>$13</td>
</tr>
<tr>
<td>c. Electric</td>
<td>$11</td>
<td>$11</td>
<td>$14</td>
<td>$14</td>
<td>$16</td>
<td>$16</td>
</tr>
<tr>
<td><strong>Other Electric</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$29</td>
<td>$31</td>
<td>$35</td>
<td>$41</td>
<td>$46</td>
<td>$54</td>
</tr>
<tr>
<td><strong>Water Heating</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Natural Gas</td>
<td>$13</td>
<td>$17</td>
<td>$20</td>
<td>$28</td>
<td>$36</td>
<td>$43</td>
</tr>
<tr>
<td>b. Electric</td>
<td>$11</td>
<td>$19</td>
<td>$26</td>
<td>$41</td>
<td>$58</td>
<td>$74</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
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<td>$9</td>
<td>$11</td>
<td>$13</td>
<td>$18</td>
<td>$23</td>
<td>$30</td>
</tr>
<tr>
<td><strong>Sewer</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Las Vegas/Henderson</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
<td>$19</td>
</tr>
<tr>
<td>b. North Las Vegas</td>
<td>$15</td>
<td>$15</td>
<td>$19</td>
<td>$31</td>
<td>$43</td>
<td>$54</td>
</tr>
<tr>
<td><strong>Trash Collection</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$14</td>
<td>$14</td>
<td>$14</td>
<td>$14</td>
<td>$14</td>
<td>$14</td>
</tr>
<tr>
<td><strong>Refrigerator</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
<td>$6</td>
<td>$6</td>
<td>$6</td>
</tr>
<tr>
<td><strong>Range/Microwave</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$4</td>
<td>$4</td>
<td>$4</td>
<td>$5</td>
<td>$5</td>
<td>$5</td>
</tr>
</tbody>
</table>

### Actual Family Allowances
(To be used by the family to compute allowance. Complete below for the actual unit rented.)

<table>
<thead>
<tr>
<th>Utility or Services</th>
<th>Per Month Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heating</td>
<td></td>
</tr>
<tr>
<td>Air Conditioning</td>
<td></td>
</tr>
<tr>
<td>Evaporative Cooler</td>
<td></td>
</tr>
<tr>
<td>Cooking</td>
<td></td>
</tr>
<tr>
<td>Other Electric</td>
<td></td>
</tr>
<tr>
<td>Water Heating</td>
<td></td>
</tr>
<tr>
<td>Water</td>
<td></td>
</tr>
<tr>
<td>Sewer</td>
<td></td>
</tr>
<tr>
<td>Trash Collection</td>
<td></td>
</tr>
<tr>
<td>Refrigerator</td>
<td></td>
</tr>
<tr>
<td>Range</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Total</th>
<th>$0</th>
</tr>
</thead>
</table>

Previous editions are obsolete
ref. Handbook 7420.8
Form HUD-52667 (12/97)
RENT REASONABLENESS CHECKLIST AND CERTIFICATION

24 CFR 574.320(a)(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.

<table>
<thead>
<tr>
<th>Proposed Unit</th>
<th>Unit #1</th>
<th>Unit #2</th>
<th>Unit #3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Bedrooms</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Square Feet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of Unit/Construction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Condition</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Location/Accessibility</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Amenities

| Unit: | |
| Site: | |
| Neighborhood: | |
| Age in Years: | |
| Utilities (type): | |
| Unit Rent: | |
| Utility Allowance: | |
| Gross Rent: | |

Handicap Accessible?

I certify that I am not a HUD certified inspector and I have evaluated the property located at the above address to the best of my ability and find the following:

CERTIFICATION:
A. Compliance with Payment Standard

Proposed Contract Rent + Utility Allowance = Proposed Gross Rent

Approved rent does not exceed applicable Payment Standard of $__________________.

B. Rent Reasonableness

Based upon a comparison with rent for comparable units, I have determined that the proposed rent for the unit ________ IS ________ IS NOT reasonable.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>
EXHIBIT 18

HOPWA
TENANT OR AGENCY INSPECTION CHECKLIST
AND SMOKE DETECTOR VERIFICATION

(To be completed by tenant, case manager, or care coordinator)

Date: _____________________
Agency: ___________________ Client’s Name or Number _____________
Address of property for which applicant will receive HOPWA subsidy:

<table>
<thead>
<tr>
<th>Street Address, Apt. #</th>
<th>City</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

1. Do all bedrooms and hallways have functioning smoke detectors installed? ( ) ( )
2. Is the air conditioning/heating system functioning? ( ) ( )
3. Is the plumbing at sinks, toilet, and tub working properly, with no leaks? ( ) ( )
4. Are the refrigerator and stove in proper working order? ( ) ( )
5. Does each room have a window that can be opened? ( ) ( )
6. Do all security bars on bedroom windows open from the inside? ( ) ( )
7. Do the stairs and/or balconies have secure handrails? ( ) ( )
8. Do the light switches and outlets have cover plates? ( ) ( )

Please explain any "no" answers:

Date of Site Check: _________________

I will request, in writing, that the landlord repair any problems I found as a result of my tenant inspection. I also agree to check (or have someone else check) all smoke detectors for proper functioning on a regular basis while I live at this address receiving HOPWA subsidy.

Applicant Signature: ___________________________________________
Date: ___________________________________________

Signature of Agency Representative: ________________________________
Title of Agency Representative: _________________________________

Notes: __________________________________________________________________________
**HOPWA HOUSING QUALITY STANDARDS CERTIFICATION (HQS) – EXHIBIT 19**

All housing assisted under HOPWA regulations 574.300(b)(3),(4),(5), and (8), must provide safe and sanitary housing that is in compliance with the habitability standards outlined below. Mark each statement as A for approved or D for deficient. Property must meet all standards in order to be approved.

- **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 appliances 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 Conditions.** The housing and any equipment must be maintained in sanitary condition.
- **x. Lead-based paint.** If the structure was built prior to 1978, and there is a child under the age of 7 who will reside in the property, and the property has a defective paint surface inside or outside the structure, the property cannot be approved until the defective surface is repaired by at least scraping and painting the surface with two coats of non-lead based paint. Defective paint surface means: applicable surface on which paint is cracking, scaling, chipping, peeling or loose. If a child under age 6 residing in the HOPWA-assisted property has an Elevated Blood Level, paint surfaces must be tested for lead-based paint. If lead is found present, the surface must be abated in accordance with 24 CFR Part 35. (Case Manager or site inspector must have client sign "Lead-Based Paint, A Threat To Your Children" form.)
- **xi. Smoke Detectors.** The HOPWA program must comply with the Fire Administration Act of 1992 (P.L. 102-522). Smoke detectors must be installed in accordance with NFPA 74, or more stringent local policies as applicable. Existing units must contain a single or multiple station smoke detector; outside each sleeping area; on each level; battery operated or hard wired; clearly audible or interconnected. Accommodations must be made for individuals with sensory impairments.

(Source: U.S. Department of Housing and Urban Development: 24 CFR Part 574, B574.310 (b), B882.404(c)(3); and CPD94-05.)

**CERTIFICATION STATEMENT**

I certify that I am not a HUD certified inspector and I have inspected the property located at the address below to the best of my ability and find the following:

- The property meets all of the above standards.
- The property does not meet all of the above standards.
- The property is Rent Reasonable.
- The property is not Rent Reasonable.

Therefore, I make the following determination:

- The property is approved.
- The property is not approved.

Please Print. Name: ________________________

Title: ____________________________________

Inspector’s Signature: ________________________

Date: ____________________________________

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 60
EXHIBIT 20

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

GENERAL HEALTH AND SAFETY
LEAD PAINT POISONING
LANDLORDS, AGENCY REPRESENTATIVES,
APPLICANT’S CERTIFICATION

Lead poisoning is a serious health problem in this country. Each year thousands of children under 7 years of age are poisoned when they eat bits of paint containing lead. Children who eat lead can become mentally retarded, blind, paralyzed or even die.

I HAVE BEEN GIVEN INFORMATION ON “Protecting Your Family From Lead in Your Home” AND ACKNOWLEDGE THAT MY APARTMENT OR HOUSE MAY CONTAIN LEAD, IN SOME FORM, IF IT WAS CONSTRUCTED PRIOR TO 1978.

____________________________________________________________________________________
Applicant’s Signature Date

____________________________________________________________________________________
Agency Representative Date

THIS CERTIFICATION IS A PART OF THE HOPWA APPLICANT’S FILE

Website to access pamphlet in English and Spanish: http://www.hud.gov/lea/leadhelp.html
EXHIBIT 21

TERMINATION RECORD SHEET

Housing Opportunities for Persons With AIDS

Case #: ____________  Applicant: ________________________________________________

Agency: __________________________ County of Residence: ______________________

Program from which terminated:  ☐ STRMU Assistance  ☐ Tenant or Project-Based Rental Assistance

Assistance Period: Begin Date __________ (M/D/Y)  End Date __________ (M/D/Y)
Number of months of housing provided this client: ______________

Monthly Family/Household Income: Exiting/End of Year Income $_____________ (Attach income verification)

Household is exiting Housing Assistance for (Destination/Life Event):
Private Housing: _____ Temporary Housing: _____ Other HOPWA: _____ Emergency Shelters: _____
Other Housing Subsidy: _____ Jail/Prison: _____ Institution: _____ Disconnected: _____
Death/Life Event: ______

Reasons for termination (Provide the primary reason for participant leaving a HOPWA program.)

☐ Reached program eligibility limit  ☐ Income verification changed
☐ Criminal activity  ☐ Non-payment of rent
☐ Destruction of property  ☐ Violence
☐ Death  ☐ Unknown/Disappeared
☐ Non-compliance with supportive service requirements
☐ Needed more care than the program could offer
☐ Voluntary departure

☐ Found alternative housing-Explain on lines below or on back page
☐ Dissatisfaction with the program-Explain on lines below or on back page
☐ Other-Explain on lines below or on back page

NOTES

________________________________________________________________________
________________________________________________________________________

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 62
## SHORT-TERM RENT, MORTGAGE, AND UTILITY ASSISTANCE - CALCULATION SHEET

### CLIENT:

<table>
<thead>
<tr>
<th>DATE</th>
<th>Allowable Monthly Fair Market Rent Payment</th>
<th>HOPWA Amount Paid</th>
<th>Allowable Monthly Utility</th>
<th>HOPWA Amount Paid</th>
<th>Total Weeks Assisted this Month</th>
<th>Total Cumulative Weeks Assisted This Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
NOTE TO LANDLORDS: THE STRMU HOUSING ASSISTANCE FUND IS ABLE TO PROVIDE LIMITED RENTAL ASSISTANCE THROUGH THE USE OF HUD FUNDING. ANY PERSON RESIDING IN ANY HUD-SUBSIDIZED HOUSING IS INELIGIBLE.

________________________________________ is currently renting a __________________ located at _________________________________.

The above named individual(s) have rented this unit since __________________ and is currently residing at this address. This unit has ________ bedrooms and a description of the space used by the tenant is as follows:

☐ Entire Unit
☐ 1 bedroom and use of common areas
☐ Other – please specify

________________________________________
Tenant’s Signature
Date

Monthly Rent: $ _____________ Deposit: $ _____________

Make rent check payable to: __________________________________________

Mailing Address: ______________________________________________________

Daytime Phone #: __________________ Fax: __________________

THIS UNIT ☐ is HUD Subsidized. ☐ is NOT HUD Subsidized.

LANDLORD: PLEASE SIGN BELOW

___________________________ ___________________________ ___________
Print or Type Name Signature Date
**EXHIBIT 24**
**CLIENT HOUSING PLAN**
**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

<table>
<thead>
<tr>
<th>CLIENT NAME:</th>
<th>DATE:</th>
</tr>
</thead>
</table>

Current housing situation: 

<table>
<thead>
<tr>
<th>Number in household:</th>
<th>Total monthly income:</th>
<th>Total monthly expenses</th>
</tr>
</thead>
</table>

**EMERGENCY HOUSING PLAN:**

<table>
<thead>
<tr>
<th>Date to be completed by:</th>
</tr>
</thead>
</table>

Goal:

Objectives:

**TRANSITIONAL HOUSING PLAN:**

<table>
<thead>
<tr>
<th>Date to be completed by:</th>
</tr>
</thead>
</table>

Goal:

Objectives:

**PERMANENT HOUSING PLAN:**

<table>
<thead>
<tr>
<th>Date to be completed by:</th>
</tr>
</thead>
</table>

Goal:

Objectives:

My signature below indicates my agreement with and commitment to this housing plan. I recognize that with my consent, my Housing Advocate/Case Manager may revise this housing plan over time.

<table>
<thead>
<tr>
<th>Client Signature:</th>
<th>Date:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Housing Advocate/Case Manager:</th>
<th>Date:</th>
</tr>
</thead>
</table>

**HOUSING PLAN UPDATE** (respond to each listed objective)

<table>
<thead>
<tr>
<th>DATE:</th>
<th>CLIENT INITIALS:</th>
</tr>
</thead>
</table>
EXHIBIT 25
NEIGHBORHOOD SERVICES DEPARTMENT
MONTHLY HOPWA REPORTING FORM

Name of Agency: 
Period Covered: (MO/YY) – (MO/YY) From: To: 
Program/Activity Name: 

General HUD Information

<table>
<thead>
<tr>
<th>Service Type</th>
<th>MONTHLY</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients with HIV/AIDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Other Family Members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supportive Services with Housing Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients with HIV/AIDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Other Family Members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supportive Services Only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Clients with HIV/AIDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Other Family Members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Information Services –</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Households</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL ASSISTED BY HOPWA

Sub categories for reporting (Original Demand will be updated for each Project Sponsor)

<table>
<thead>
<tr>
<th>Report on the number of clients per month who apply for services and how many receive services</th>
<th>Original Demand</th>
<th>Demand</th>
<th>Outputs</th>
<th>Need</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>DO NOT CHANGE</td>
<td>HIV/AIDS Clients</td>
<td>Client + Family</td>
<td>Client</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*based on number reported on application for funding multiplied by the % ratio of requested to awarded funds</td>
<td>Anticipated Number of Clients to be served*</td>
<td>Applied for Assistance</td>
<td>Assisted</td>
<td>Still Waiting for assistance</td>
<td>% of clients assisted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRMU</td>
</tr>
<tr>
<td>TBRA</td>
</tr>
<tr>
<td>Permanent Housing # of units</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supportive Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food Vouchers</td>
</tr>
<tr>
<td>Clients referred to Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Spent on these specific program components</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRMU Monthly Expenditures</td>
</tr>
<tr>
<td>TBRA Monthly Expenditures</td>
</tr>
<tr>
<td>Housing Operations Monthly Expenditures</td>
</tr>
<tr>
<td>Food Vouchers Monthly Expenditures</td>
</tr>
</tbody>
</table>

Please fax to Shawn Bolster at 382-3045 or e-mail to sbolster@lasvegasnevada.gov by the 7th of the month.
EXHIBIT 26
CITY OF LAS VEGAS
NEIGHBORHOOD SERVICES DEPARTMENT
REQUEST FOR RELEASE OF FUNDS

This form must be used to request reimbursement from the City of Las Vegas Neighborhood Development Division for Housing Opportunities for Persons With AIDS (HOPWA) funds expended for the XX/XX Fiscal Year. Failure to properly submit this form, along with back-up documentation such as: copies of canceled checks, invoices, purchase orders, and an accounts payable printout, or check register, will result in a non-pay status for the request. Do not alter this form.

<table>
<thead>
<tr>
<th>Request #</th>
<th>Amount of Request</th>
<th>Period Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

From                        To

Agency:   Phone:       
Project:  Fax: 
Contact Person:  E-mail:

<table>
<thead>
<tr>
<th>HOPWA-Eligible Activity</th>
<th>Budgeted Amount</th>
<th>Previous Drawdowns</th>
<th>Request Amount</th>
<th>Remaining Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Information</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Rehabilitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Housing Leasing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short-Term Rental, Mortgage, and Utility Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenant-Based Rental Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supportive Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL

Signature ___________________________ Date ___________________________
### EXHIBIT 27
**LINE ITEM EXPENSE DETAIL**

Project Sponsor: ______________________  Project Name: ______________________

Reimbursement requested for month of __________ Date Submitted __________

#### Personnel

<table>
<thead>
<tr>
<th>Employee</th>
<th>Title</th>
<th>Amount and % charged</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Personnel

#### GENERAL NON-PERSONNEL (Itemize all expenses by supplier name and amount)

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount and % charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplies</td>
<td></td>
</tr>
<tr>
<td>Communications</td>
<td></td>
</tr>
<tr>
<td>Printing</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
</tr>
<tr>
<td>Rent</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td></td>
</tr>
<tr>
<td>Travel - Local</td>
<td></td>
</tr>
<tr>
<td>Travel - Other</td>
<td></td>
</tr>
<tr>
<td>Liability Insurance</td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>Direct Client Services</td>
<td></td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
</tr>
</tbody>
</table>

Total General Expenses

Total Expenses

#### STATEMENT OF CERTIFICATION

I, the undersigned, certify that the information contained herein is correct, is recorded as such in the official accounting records of the program and that the expenses reflected herein were incurred in accordance with the Agreement with the City of Las Vegas.

______________________________  ______________________
Signature                       Date
# Budget Modification and Revision Request Form

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>ORIGINAL BUDGET</th>
<th>PREVIOUS BUDGET ADJUSTMENTS</th>
<th>CURRENT ADJUSTMENT REQUEST</th>
<th>ENDING BALANCE AFTER ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**JUSTIFICATION:**

SIGNED: ___________________________  TITLE: ______________________  DATE: __________

**APPROVED**

CLV GRANTS PROGRAM REPRESENTATIVE: ___________________________  DATE: __________

**DENIED**

NEIGHBORHOOD SERVICES DEPT: ___________________________  DATE: __________
| DESCRIPTION       | MON | TUE | WED | THU | FRI | SAT | SUN | MON | TUE | WED | THU | FRI | SAT |
|-------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| HOPWA             |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Housing Information |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Housing Operations |   |     |     |     |     |     |     |     |     |     |     |     |     |
| STRMU Assistance  |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Supportive Services |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Administration    |   |     |     |     |     |     |     |     |     |     |     |     |     |
| RYAN WHITE        |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Outpatient Health Care |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Inpatient Case Management |   |     |     |     |     |     |     |     |     |     |     |     |     |
| Supportive Services |   |     |     |     |     |     |     |     |     |     |     |     |     |

O/T COLUMN:
O - OVERTIME
T - TIME IN LIEU OF OVERTIME

TOTAL HOURS WORKED

Employee Signature

Supervisor
Exhibit 30
PROCUREMENT FORM

<table>
<thead>
<tr>
<th>Agency:</th>
<th>Project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Materials</td>
<td>☐ Product</td>
</tr>
<tr>
<td>☐ Supplies</td>
<td>☐ Services</td>
</tr>
</tbody>
</table>

Specify/Describe: ____________________________

<table>
<thead>
<tr>
<th>☐ Small Purchase ($200 - $500)</th>
<th>☐ Larger Purchase ($501 and over)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vendor/Consultant</th>
<th>MBE/WBE</th>
<th>Telephone Solicitation</th>
<th>Written Quotation</th>
<th>Price Quoted</th>
<th>Selected Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Yes/No</td>
<td>Yes/No</td>
<td>Yes/No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1) ____________________________

___ ___ ___ $ __________

2) ____________________________

___ ___ ___ $ __________

3) ____________________________

___ ___ ___ $ __________

4) ____________________________

___ ___ ___ $ __________

5) ____________________________

___ ___ ___ $ __________

Decision

______________________________

Agency Signature              Date

Project Manager Approval (CITY) Date
EXHIBIT 31
STANDARD AGREEMENT FOR THE PROVISION
OF SUBCONTRACTED SERVICES

This Agreement is made and entered into this ____ day of ________________, 20___, by and between ________________________________ (hereinafter referred to as “AGENCY”) and __________________________________________ (hereinafter referred to as “SUBCONTRACTOR”)

RECITALS

WHEREAS, AGENCY and the City of Las Vegas have entered into a grant agreement pursuant to the HOPWA Program under 24 CFR 574, a United States Department of Housing and Urban Development Entitlement Grant; and

WHEREAS, AGENCY is implementing the __________________________________________ under the terms and conditions of that Agreement referred to in the above paragraph; and

WHEREAS, AGENCY desires to engage SUBCONTRACTOR to provide assistance to AGENCY in its implementation of said program.

NOW, THEREFORE, the parties hereto agree as follows:

1. Contractual Agreement: SUBCONTRACTOR agrees to be bound by the above-mentioned Agreement between AGENCY and the City of Las Vegas to the same extent that AGENCY is bound thereby and agrees to indemnify and name the City of Las Vegas as additional insured in the same manner as the AGENCY has agreed to indemnify and name the City of Las Vegas as additional insured.

2. Term of Agreement: This Agreement shall commence on ______________________, 20___, and shall terminate on ______________________, 20___, unless terminated earlier, as provided for in this Agreement. Twenty (20) days written notice by either party shall be given to terminate this Agreement.

3. Scope of Services: SUBCONTRACTOR, for and in consideration of the covenants, promises and agreements expressed herein, shall provide services to AGENCY. Said services shall include, but not be limited to:

_______________________________________________________________________________
_______________________________________________________________________________
________________________________________
_______________________________________________________________________________

4. Payment for Services: AGENCY agrees to pay SUBCONTRACTOR for the performance of services and work, subject to and performed in connection with this agreement, a sum of money not to exceed $ _______________ (total payment). Such sum shall be expended and paid by AGENCY to SUBCONTRACTOR during the term of this agreement on a reimbursement basis for services actually performed by SUBCONTRACTOR. Payment shall be made upon receipt of time sheets specifying in detail the services performed and the number of hours expended to complete those services.
5. **Independent Contractor:** It is understood and agreed by the parties herein that SUBCONTRACTOR, in the performance of this Agreement, shall act as an independent contractor, and therefore shall obtain no rights to any fringe benefits that accrue to regular full-time AGENCY employees.

6. **Compliance with Federal Regulations:** The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from HUD. In addition to the terms and conditions of the Agreement between AGENCY and the City of Las Vegas, SUBCONTRACTOR is also subject to the requirements contained in Exhibit “A” entitled “Conditions of Federal Funding” attached hereto and made part of this Agreement.

6. **Noninvolvement Clause:** It is hereby agreed between the parties to this Agreement that the City of Las Vegas, as a funding agent of AGENCY’S project, shall assume no liability, either primarily or secondarily, for any breach of this Agreement by either party hereto of a term or condition contained herein.

7. **Changes to the Agreement:** Amendments to the terms and conditions of this Agreement shall be requested, in writing, by the party desiring such revision, and any such adjustment to this Agreement shall be determined and effective only upon the mutual consent, in writing, of the parties hereto, and upon approval of the City of Las Vegas.

__________________________________________________________________________
AGENCY Date

__________________________________________________________________________
SUBCONTRACTOR Date

__________________________________________________________________________
(Street Address of Subcontractor) (Telephone & Fax No. of Subcontractor)

__________________________________________________________________________
(City, State, and Zip Code) EIN or Soc. Security No. of Subcontractor
EXHIBIT 32  Accessibility Questionnaire

Agency Name

**ACCESSIBILITY COORDINATOR**

1. Has one person been designated to coordinate the accessibility issues for the agency?  

If yes, Name ___________________________ Phone# _______________________

**BUILDING ACCESS**

1. Does the facility provide a continuous unobstructed path to and from the following?
   - a. Public Transportation
   - b. Parking Lot
   - c. Passenger Loading Zone
   - d. Streets and Sidewalks

2. Does the facility have designated accessible parking spaces?
   - a. Are the accessible parking spaces located closest to building entry?
   - b. Is each one marked with vertical sign showing the universal symbol of accessibility?
   - c. Are 96 inch wide parking spaces designated with a 60 inch access aisle?

3. Where passenger loading zones are provided, is at least one accessible?

4. Is the gradient from parking to building entrance 1:12 or less?

5. Is path of travel free from obstruction and wide enough (at least 36 inches) for a wheelchair?

6. Are the entrance doorways at least 32 inches wide?

7. Are the entrance door handles, locks, and latches operable with one hand without twisting the wrist?

8. Is the threshold no more than ½ inches high?

9. Are the doors easy to open (less than 8 lbs. of pressure)?

10. Are other than revolving doors available?

**BUILDING CORRIDORS/APPLICATION/INTERVIEW/SERVICES AREA**

1. Are all meeting rooms and common areas used for intake, certification, meetings, etc. reached without steps or escalators?
2. Is path of travel free of obstruction and wide enough (at least 36 inches) for a wheelchair?  
3. Where obstacles (phones, fountains) protrude into corridor/path of travel, do they protrude no more than 4 inches?  
4. Is the floor surface hard and not slippery?  
5. Are doors at least 32 inches wide?  
6. Are doors easy to open?  
7. Are the thresholds no more than ½ inches high?  
8. Is the path of travel between desks, tables, etc., wide enough (at least 36 inches) for wheelchairs?  
9. Where drinking fountains are provided, are they accessible to the disabled individuals?  
10. Where there is an elevator, are elevator controls low enough (48 inches) to be reached from a wheelchair?  
   a. Are elevator markings in Braille?  
   b. Does elevator provide audible signals?  
   c. Does elevator interior provide a turning area of 51 inches for wheelchairs?  

### RESTROOMS

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Is there at least one accessible restroom for disabled individuals at the facility?</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Do doors have lever handles?</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Are doors at least 32 inches wide?</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Are stall doors at least 32 inches wide?</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Are reinforced grab bars provided in toilet stalls?</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Are reinforced grab bars provided in toilet stalls?</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Is toilet height 17 to 10 inches high?</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Are sinks 30 to 34 inches high with room for a wheelchair to roll under?</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Are sink handles operable with one hand without twisting the wrist?</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Are soap dispensers, towels, not more than 48 inches from the floor?</td>
<td></td>
</tr>
</tbody>
</table>

### COMMUNICATION

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Is the agency able to communicate its services to disabled applicants, clients, and employees of the agency (e.g. – telecommunication device (TDD) number for the deaf)?</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Are applicants, clients, and employees of the agency, including those with impaired vision, or hearing; notified of the agency’s policy of non-discrimination on the basis of handicap?</td>
<td></td>
</tr>
</tbody>
</table>
3. Does the agency’s brochures/general printed information include a statement of this policy as well as a telecommunications device (TDD) number for deaf persons?

ALTERNATIVE ACCESSIBILITY

If the facility is not accessible to disabled individuals, what alternative service delivery methods are used to achieve accessibility?

AGENCY SELF-EVALUATION

1. Has the agency conducted a full self-evaluation of its programs, policies, procedures, employment practices, etc., in relation to non-discrimination on the basis of handicap?

Agency Signature

Date
EXHIBIT 33
CITY OF LAS VEGAS
NEIGHBORHOOD SERVICES DEPARTMENT - DEVELOPMENT DIVISION
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM

PROJECT SPONSOR MONITORING FORM

PROGRAM PERFORMANCE SUMMARY AND REGULATORY COMPLIANCE CHECKLIST

Project Sponsor: ____________________________________________________________

Project Sponsor Address: ____________________________________________________

Phone # ___________________________ E-mail: ________________________________

Project Name: ___________________________ Project Address: __________________

HOPWA Funding Year: ___________________________ Agreement Period: ____________

HOPWA Categories

- Housing Acquisition
- Housing Rehabilitation, Conversion, Repairs
- Project or tenant-based rental assistance
- Housing Information Services
- Housing Operations
- Supportive Services
- Housing Construction
- Housing Leasing
- Short-term rental, utility, mortgage assistance
- Resource Identification
- Technical Assistance
- Administrative Expenses (cannot exceed 7% of amount requested)

HOPWA Funding Allocation for this Category: $ ____________________________

Responsible Staff: ___________________________ Signature: ________________________
The purpose of establishing *Performance Indicators* is to determine that the project has met or is meeting its objectives by evaluating the program activities and summarizing the community/social benefits of the project. To meet standards, HOPWA Project Sponsors must contract and expend 100% of award and/or complete the project within 2 years of HUD approval.

**PERFORMANCE INDICATORS (24 CFR 574.520, 574.530, 574.540)**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Project Award</strong></td>
<td></td>
</tr>
<tr>
<td>Project award as a percent of total funds awarded in the fiscal year. (Definition: HOPWA funds awarded the project, divided by total HOPWA funds allocated for the category)</td>
<td>$</td>
</tr>
<tr>
<td><strong>2. The Project sponsor:</strong></td>
<td>Meets standards</td>
</tr>
<tr>
<td>Expended 100% of award and/or completed the project within 2 years of HUD approval</td>
<td></td>
</tr>
<tr>
<td><strong>3. Major project objective (Example: Provide HIV/AIDS clients and their families with short-term rental and utility assistance and provide appropriate supportive services.)</strong></td>
<td></td>
</tr>
<tr>
<td>Proposed number of units/clients and their families to be served. (Definition: units/clients and their families are the performance objectives outlined in the scope of work of the HOPWA contract)</td>
<td></td>
</tr>
<tr>
<td>Total number of units/clients and their families served in the contract year</td>
<td></td>
</tr>
<tr>
<td>Percent of performance objectives achieved. (Definition: Total number of units/clients and their families served divided by the number proposed in the HOPWA contract)</td>
<td>%</td>
</tr>
<tr>
<td><strong>4. Number of “concerns” identified during annual site monitoring visit.</strong> (Definition: A matter which, if not properly addressed, can become a finding and result in sanctions)</td>
<td></td>
</tr>
<tr>
<td><strong>5. Number of “findings” identified during annual site monitoring visit.</strong> (Definition: A finding is a violation of law or regulation which can result in sanction)</td>
<td></td>
</tr>
</tbody>
</table>

Comments:
PART B
PROJECT FILE RECORDS REVIEW

In preparation for the monitoring visit, a desk audit of project sponsor material contained in the project file will be conducted prior to visiting the agency/project site. The review will ensure project sponsor activities were eligible, in compliance with HOPWA regulations.

### HOPWA ELIGIBILITY (24 CFR 574.300, 574.310, 574.320, 574.330, 574.340)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is there an eligibility determination form on file for the project and is eligibility consistent with contract description of the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are appropriate supportive services provided for any HOPWA assisted housing?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>3. Do the eligible housing activities meet the general standards such as housing quality standards, minimum use period, etc.?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>4. Are the additional standards for rental assistance being met, such as maximum subsidy?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>5. Are the additional standards for short-term supported housing being met such as the 21-week rule?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

### SPECIAL RESPONSIBILITIES OF PROJECT SPONSOR (24 CFR 574.410, 574.420, 574.430, 574.440, 574.450)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Did the project sponsor demonstrate the capacity and capability to effectively administer the activity?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>2. Does the project sponsor cooperate and coordinate in providing assistance with other organizations and government agencies?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>3. Is the project sponsor charging any fees, except for rent, for any activity?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>4. Are the project sponsor’s client files kept in a way that ensures the confidentiality of its clients?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>5. Do client files contain all HUD required information? Are files kept in orderly fashion?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

Comments:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 79
### PERFORMANCE AND EXPENDITURES (24 CFR 574.450, 574.605)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are performance objectives, performance standards, reporting requirements and timelines clearly established for the project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Do reports indicate that the agency is meeting contract performance objectives?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Do reports indicate that the clients are low-income (80% of area median income or below)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Are HOPWA funds being spent at the planned rate?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Are expenditures supported by invoices, purchase orders, etc.?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Are Accounts Payable files properly set up, and is backup information easily accessible?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

Comments:

---

### REPORTING REQUIREMENTS (24 CFR 574.450, 574.650, CFR Part 85; OMB Circular A-110)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the agency submitting required reports on time?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are program, performance, and demographic reports and invoices usually correct?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

Comments:

---

### INSURANCE (24 CFR Part 85, OMB Circular A-100)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has the agency submitted an original Certificate of Insurance showing proper coverage and listing the City as “additional insured”?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

Comments:
### AUDIT (24 CFR 85, OMB Circular A-133, OMB A-128, OMB A-87, OMB A-21)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Did the agency receive $50,000 or more from the City the past two</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>consecutive years? If yes, has the agency submitted the required audit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to the City?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Did the audit contain recommendations, concerns or findings? If yes, is</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>there evidence on file that the recommendations have been implemented</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and the concerns and or findings cleared?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Did the Agency qualify for an A-133 due to other Federal Funding</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>received? It does not matter if the funds were for the HOPWA Program</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or not.  (The $300,000 threshold is aggregate of all funding the agency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>receives) Per CFR Part 84 Grants and Agreements with Non-Profit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organizations, and OMB A-133, audits are to be conducted for the agency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>as a whole.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PART C

**ON-SITE INTERVIEW AND VERIFICATION WITH AGENCY PERSONNEL**


<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the agency have a regular means of monitoring project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>performance and activities?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### BUDGETARY CONTROLS (OMB Circular A-110, A-102, 24 CFR 574.605)

**FINANCE AND RECORD KEEPING (OMB Circular A-133, A-128 and 24 CFR 574.605)**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the agency have a regular means of monitoring program revenue,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>program income, and expenditures?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Are project funds accounted for separately within the accounting</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>system?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Does the agency keep separate financial and program records for each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>project?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Does the agency track and report program income?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Does the agency keep records for the time period required (four years from the date of audit, or if findings, four years from the date the findings are resolved)?  
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
</table>

6. Do the project files contain copies of the grant application, a determination of eligibility, contract, and any amendments, reimbursements requests, backup documentation for each invoice, copies of approved invoices, and warrants and correspondence with the City?  
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
</table>

Comments:

\[\text{INTERNAL CONTROLS (OMB Circular A-87, A-122)}\]

1. Are duties and responsibilities separated so that no one employee has sole control over cash receipts, disbursements, reconciliation of bank accounts, receivables, etc.?  
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
</table>

2. Is the payroll prepared by personnel who are neither responsible for the time-keeping function nor detailed to deliver paychecks or cash to employees?  
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
</table>

3. Are written procedures maintained covering the recording of transactions, an accounting manual, and a chart of accounts?  
<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
</table>

4. Does the Project sponsor maintain a policy manual covering:  
   a. Approval authority for financial transactions?  
      | Yes | N/A | No |
   b. Guidelines for controlling expenditures, such as purchasing requirements and travel authorizations?  
      | Yes | N/A | No |
   c. Procedures governing the maintenance of accounting record?  
      | Yes | N/A | No |

Comments:

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Does the agency have a control system with adequate safeguards to</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>prevent loss, damage or theft of property of non-expendable items with a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>purchase price of over $1,000.</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>2. Does the agency maintain property records that include: description,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>serial number, source of property, who holds title, actual cost of the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>property, and federal share of that cost, location, use and condition of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the property?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
<tr>
<td>3. Has the agency purchased any items over $1,000 with project funds?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. If the agency has purchased equipment with project funds, is the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>equipment appropriately inventoried and tagged as HOPWA property?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

**Comments:**


### PERSONNEL (24 CFR 574.605, OMB Circular A-110)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the agency have written personnel policies governing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. hiring, promotion, and termination?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. salaries and fringe benefits?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. annual leave, vacation, and holidays?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. performance evaluations?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Do personnel records include a current job description for each</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>project employee?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Is there an organization chart which sets forth actual lines of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>responsibility?</td>
<td>Yes</td>
<td>N/A</td>
<td>No</td>
</tr>
</tbody>
</table>

**Comments:**


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City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 83
### GOVERNING BODY (OMB A-87)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the board currently constituted in accordance with agency bylaws?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Do the board and subcommittees meet in accordance with the agency’s</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>bylaws?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Are minutes of board meetings taken and distributed?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:

### AMERICANS WITH DISABILITIES ACT (24 CFR 8.6; Section 504 Title VIII)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has the agency documented a Section 504 self-evaluation?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. If the agency employs 15 persons or more, are the self-evaluation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>results on file and made available?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. If the agency fully in compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. If no, does the agency have a Corrective Action Plan indicating steps it will take to make the program and services accessible?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:

### SEPARATION OF CHURCH AND STATE (24 CFR 574.300 (c))

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Are there are religious activities during the time the HOPWA program is operating?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Is there any evidence of staff attempting to proselytize HOPWA clients?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:
APPENDIX A

HOPWA QUESTIONS AND ANSWERS
FOR CASE MANAGERS AND
CARE COORDINATORS

General HOPWA Information

Q: Who is eligible for HOPWA rental assistance?
A: Anyone with diagnosed HIV/AIDS whose family income does not exceed 80 percent of the median income for the area, as determined by the HUD Section 8 requirements. However, case management must be provided along with housing assistance. It is important to understand that there are additional screening criteria that will be used to determine who will receive rental assistance.

Q: What is a family?
A: Family means a household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their care or well being. If an applicant is a family as defined in this section, the income of all the adult (18 and over) family members must be included when assessing income eligibility. If the family consists of one or more persons who are HIV, they may not reapply under emergency assistance after the first applicant has reached their limit.

Q: What about roommates? What is the difference between family and roommates?
A: On the initial application, a client must declare whether others in the household are roommates or whether they are family. This can never be changed once declared. Therefore it may be advantageous for members of a family who have more than one person with HIV to declare themselves roommates. If this is done, then the other members in the household may apply in their name after eligibility is completed by each member of the household.

Be aware that when a client declares roommates, the amount of rent to be divided is calculated on the number of persons being assisted. If the client has declared roommate(s), only the client’s income is counted when assessing income eligibility. However, rent and utilities must be pro-rated among the roommates.

Q: Is this program intended to provide housing to the homeless?
A: Not necessarily. The HOPWA Rental Assistance Program is designed to provide financial support to low-income persons with HIV/AIDS who are able to live independently without intensive services. This program hopes to support people in moving from transitional housing to permanent housing, as well as those already in permanent housing who are in jeopardy of losing their housing due to HIV/AIDS-related financial problems. It is hoped that moving people from transitional housing to permanent housing will free up homeless/transitional housing slots for those in need.

Q: If I already have verification of HIV/AIDS status in my client’s file, do I need to complete a new one?
A: No. A copy of the original verification is sufficient.

Client Income Eligibility

Q: Whose income do I count in the family?
A: The income of all persons in the family (as defined by HOPWA) residing in the household who are 18 or older who are not full time students.
Q: What if my client is a single person, living alone, and he/she is a full time student?
A: That person must be considered to be the head of household and therefore, an income
determination must be made as with any other client.

Q: What if my client is residing with other individuals who are not determined to be included in
the HOPWA definition of family?
A: Procedures for shared housing arrangements and forms for calculating the percentage of rent
are included in this manual.

Q: How often do we have to verify income?
A: The HUD requirement is that this be done at least annually from the point of award to the client.
However, any significant changes in income must be noted and determination made if a review is
necessary.

Q: If my client is receiving SSI, where do I place this on the income form?
A: Enter SSI income as Social Security, not public assistance.

Q: If my client receives SSI or is already in public housing, can I automatically assume he/she
is eligible for HOPWA funds?
A: No, all eligibility and income forms must be completed for every client. There are no short cuts
to determining how much assistance the client might be eligible for.

Q: If a client receives child support, is it included in calculations of total annual income? If a
client pays child support, is this deducted in calculations of adjusted income?
A: Yes. Child support payments can be deducted in full when calculating adjusted income.
Verifications must be made of the fact that payments are being made and the amount mandated by
the courts to be paid. The amount should be included in the child care expenses category. In this
case, the $480 allowance for each dependent is not also permitted (adjustment for the support of
the dependent child is made in one category only, not both.) Child support payments received
should be declared on the Gross Income Worksheet, under No. 5.

Q: Is a client who returns to work eligible to continue receiving HOPWA benefits?
A: Yes. A client who attempts to work shall be afforded a six-month transitional grace period
without the fear of losing HOPWA benefits. This grace period will allow the client to determine if
continued employment is feasible at their current level of well being without risking their HOPWA
rental assistance. Income re-certifications are still required and should be performed by the
Sponsor agency on an annual basis or after the client’s sixth month of exempted employment,
which ever is longer or upon the request of the client. (HUD 24CFR Part 5, Subpart F)

Housing Eligibility

Q: When calculating reasonable rent, fair market rent, and resident rent payments for rental
assistance, what is included?
A: Fair market rent values include the shelter rent plus the cost of all utilities, except for telephone.
This means that those utility costs must be included in a reasonable rent assessment as well.

Q: How is “comparable unit” defined relative to reasonable rent determinations?
A: Comparable unit is based on a unit with the same number of bedrooms in the same
neighborhood or area as defined by the local housing authority.
Q: Is phone service covered under HOPWA supportive services?
A: Yes. The cost of local basic telephone service for an assisted unit is considered a part of supportive services. The costs related to local basic telephone service are approved by HUD to provide client access to supportive services and treatment facilities in order for the eligible client and family to stay connected to medical care and support.

Q: If my client lives in a single room apartment or a shared living arrangement (such as college students sharing a house), how are reasonable market rents established?
A: See calculations for Shared Housing.

Q: Is it necessary to reassess the maximum allowance for clients receiving services that overlap the issuance of new Fair Market Rent Tables or Section 8 limits?
A: Yes. Fair Market Rents and HUD Income Guidelines normally change every spring. These are published in the Federal Register. Note the website at the bottom of those two pages, and look for the update starting about March 1st. New maximum allowances will need to be calculated for clients whose assistance will be affected by these changes.

Q: Can a person be on Section 8 or other rental assistance program and also receive HOPWA?
A: No, this is considered "double dipping" by HUD is not allowable.

Q: What is a unit of service for HOPWA?
A: One day of housing. For example, if a client receives housing assistance for the month of June, he/she has received 30 units of service, or if it were July, it would be 31 units of service.

**Emergency Assistance**

Q: Can applicants move from emergency assistance to longer-term rental assistance?
A: Yes, as long as the initial rental assistance application is fully completed.

Q: Can applicants move from long-term rental assistance to emergency assistance?
A: No

**Rental Assistance**

Q: What is the best way to determine annual gross income?
A: Obtain proof of income and multiply the income to project the upcoming 12 months of income. If the income is weekly, multiply by 52; if it is every other week, multiply by 26; if it is two times per month, multiply by 24; and if it is monthly, multiply by 12.

Q: Is Tenant-Based Rental Assistance an eligible HOPWA activity?
A: Yes. Tenant based rental assistance, including assistance for shared housing arrangements, may only be provided to persons with HIV/AIDS that are receiving some income. Project Sponsors that distribute permanent housing assistance or have housing units purchased with HOPWA funds must perform annual housing inspections pursuant to HUD Housing Quality Standards (HQS).

Each person receiving tenant-based rental assistance or residing in any rental housing assisted under the HOPWA program must pay as rent, including utilities, an amount which is the higher of:

- 30 percent of the family's monthly adjusted income;
- 10 percent of the family's monthly gross income; or
- 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. (Nevada does not have Welfare Rent)
Q: Can HOPWA funds cover a mortgage payment?
A: Yes. HOPWA short-term rental, mortgage, and utility assistance funds can be used for either a mortgage or a lease. However, in the case of the mortgage, a copy of the mortgage stub from the company, a description of the portion of the property being used by the applicant, and if they live with someone else, an estimate (in percentage) of the amount of space used by the applicant must be included. EXAMPLE: A client is living with his parents. Their mortgage is $950 a month on a 3-bedroom home. They have a written agreement with their son to pay $250 per month. In order to qualify, the Case Manager/Care Coordinator would solicit a description of the space used—a bedroom, a bathroom shared kitchen, shared laundry and shared living room. This calculated out as approximately 42% of the house, based on the number of rooms in the house, in this case 12. Five rooms divided by 12 possible rooms equals 42%. Therefore, since 42% of the $950 mortgage is $399, they are charging a reasonable amount.

Q: Does the HOPWA program pay for lot rent and trailer rent?
A: Yes. Lot rent and trailer rent are all considered part of the lease or mortgage. Again, rent reasonableness must be considered.

Q: How do I provide assistance to a survivor in the case of the applicant’s death?
A: With respect to the surviving family members who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his/her death, housing assistance and/or supportive services shall continue for a grace period following the death of the person with AIDS. The Project Sponsor agency 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 Project Sponsor agency shall notify the family of the duration of their grace period and may assist family with information on other available housing programs and with moving expenses.
## APPENDIX B

### ACCEPTED FORMS OF INCOME VERIFICATION AND DOCUMENTATION OF EXPENSES

**HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS**

<table>
<thead>
<tr>
<th>Types of Information</th>
<th>A) Review of documents</th>
<th>B) Third party written</th>
<th>C) Third party oral</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wages and salaries including base and overtime rates, bonuses and incentive payments</td>
<td>Pay stubs, earnings statement or W-2 form identifying employee and showing amount earned and period of time covered by employment.</td>
<td>Signed and dated form or letter from employer specifying amount to be earned per pay period and length of pay period.</td>
<td>Statement indicating contact with employer by phone or in person specifying amount to be earned per pay period.</td>
</tr>
<tr>
<td>2. Tips/gratuities and self-employment</td>
<td>Notarized statement from applicant or form 1040/1040A showing amount earned and employment period.</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>3. Income maintenance, AFDC, welfare, Social Security</td>
<td>(1) Copy of check issued by agency. (2) Award letter signed by agency.</td>
<td>Signed and dated verification form completed by agency showing amount and period received.</td>
<td>Statement indicating date of contact with agency, amount received, and dates received.</td>
</tr>
<tr>
<td>4. Unemployment/Worker’s Compensation</td>
<td>Same as 3A.</td>
<td>Same as 3B.</td>
<td>Same as 3C.</td>
</tr>
<tr>
<td>5. Child Support Payments (Counted as income for HOPWA for the custodial parent. Not eligible with HOPWA for exclusion on adjusted gross income for non-custodial parent.)</td>
<td>(1) Copy of payment records furnished by court, signed and dated, showing amount received; (2) Copy of divorce decree showing amount of support. (3) Copy of uncashed check.</td>
<td>Written statement from paying parent.</td>
<td>Oral statement from paying parent.</td>
</tr>
<tr>
<td>Types of Information</td>
<td>A) Review of documents</td>
<td>B) Third party written</td>
<td>C) Third party oral</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
</tr>
</tbody>
</table>
| 6. Interest/dividends| (1) Passbook showing interest received and period covered.  
(2) Income tax return.  
(3) Dividend statement from bond holder or stock company. | Dated and signed verification form completed by savings institution showing amount and period received. | Same as 6A but obtained by means of oral contact with official at institution. Date of contact must be specified. |
| 7. Assets | (1) Passbooks/letters completed by bank.  
(2) Real estate tax assessment or appraisal of real property.  
(3) Statement signed by applicant specifying assets. | None. | None. |
(2) Itemized list signed by applicant. | Letter received from child care agency, babysitter, or person providing care showing amounts received or expected and period of service. | Same as 8B but with telephone or in-person contact. |
| 9. Medical expenses | (1) Receipts, canceled checks;  
(2) Records of insurance payment, indication of payroll deduction for medical insurance;  
(3) Itemized list signed by applicant. | Form letter, dated and signed, from hospital or physician specifying amount due or expected to be due during the next 12 months. | Same as 9B but with telephone or in-person contact. |
| 10. Housing expenses | (1) Receipts, canceled checks.  
(2) Itemized list signed by applicant. | Letter received from landlord showing amount of rent paid. | Same as 10B but with telephone or in-person contact. |
# APPENDIX C
## OTHER INFORMATION THAT MAY REQUIRE VERIFICATION

<table>
<thead>
<tr>
<th>Types of Information</th>
<th>A) Review of documents</th>
<th>B) Third party written</th>
<th>C) Third party oral</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dependent children</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-- Age</td>
<td>-- Income tax returns</td>
<td>None required.</td>
<td>None required.</td>
</tr>
<tr>
<td>-- Relationship</td>
<td>-- Support payment records</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-- Marriage certificates</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-- Social Security records</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-- Birth certificates</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>-- VA records</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>-- Divorce records</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Disability</td>
<td>(1) Doctor’s statement furnished by applicant.</td>
<td>State Review Board’s or doctor’s statement or prepared form specifying nature of disability.</td>
<td>Same as 2B but with telephone or in-person contact.</td>
</tr>
<tr>
<td></td>
<td>(2) Social Security Administration records indicating nature of disability.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Full-time student status</td>
<td>School identification card or school records specifying period of time attended and indicating full-time status.</td>
<td>Written statement, dated and signed, received from school specifying that applicant is enrolled full-time and the dates attending.</td>
<td>Same as 3B but with telephone or in-person contact.</td>
</tr>
</tbody>
</table>
Appendix D

Checklist of Common Errors in Rent Calculations

1. Determining the Gross Household Income
   - Review the frequency of payments carefully for all sources of income (wages, benefits, child support, etc.)
   - Check to ensure sporadic income and one-time payments are NOT included
   - Watch out for SSA benefit adjustments in the form of lump sum payments for retroactive benefit increases OR overpayment amounts being withheld
   - Garnishments by the IRS or state Dept. of Revenue are NOT excluded from gross

2. Elderly/Disabled Household Deduction
   - Each household is only eligible for one $400 deduction
   - Head of household, spouse, or co-head must have a disability

3. Allowances for Medical Expenses
   - Only applies to Elderly/Disabled households - watch out for situations where the HOPWA eligible individual is not the head of household, spouse, or co-head
   - Make sure deduction is given for any Medicare premiums being withheld from SSDI checks (this amount is stated on the SSA award letter)
   - Include any additional verified medical expenses that exceed 3% of gross income for ALL household members

4. Disability Assistance Allowance
   - Deduction applies to verifiable, self-paid expenses for adaptive equipment or other special needs that allow a person with a disability to work
   - Costs for the adaptive equipment must not exceed 3% of the household gross and must not be greater than the income earned

4. Childcare Allowance
   - Only one parent/guardian of the child must be working to be eligible
   - Childcare costs may not exceed the income earned by the working individual

5. Earned Income Disregard
   - Applicable only to earned income of disabled individuals who were not previously working for at least one year OR received at least $500 of welfare benefits in the past 6 months and have increased their income through wages
   - Periods of 100% and 50% disregard should not exceed 12 months each
   - The 48-month eligible exclusion period is correctly documented
   - Only the increase in gross income that results from wage income is to be excluded (not necessarily ALL earned income)

6. Other Income Properly Excluded
   - Do NOT include in the gross household income calculation:
     - Income of minors under the age of 18
     - Income of full-time students over the age of 18 in excess of $480
     - Income provided for the care of foster children
     - Income from a household member approved as a live-in aide
Appendix E

INCOME EXCLUSIONS
HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS
For complete regulations, refer to 24CFR5.609(c)

Annual Gross Income Does Not Include:

1. Income from employment of children (including foster children) under the age of 18 years;

2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

5. Income of a live-in aide;

6. The full amount of student financial assistance paid directly to the student or to the educational institution;

7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

8. (a) Amounts received under training programs funded by HUD;

   (b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

   (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

   (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the Public Housing Authority (PHA) or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA’s governing board. No resident may receive more than one such stipend during the same period of time;

   (e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment-training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program;
9. Temporary, nonrecurring or sporadic income (including gifts);

10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

11. Earnings in excess of $480 for each full-time student 18 years or older (excluding the head of household and spouse);

12. Adoption assistance payments in excess of $480 per adopted child;

13. Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.

14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

15. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24CFR5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

Mandatory Earnings Disregard for Disabled Households

In 2001, HUD finalized regulations (24CFR5.617) for rent-based work incentives for people with disabilities.

For households participating in the Section 8 Voucher Programs, Public Housing, HOME, Supportive Housing Program, or the HOPWA program the regulations provide for a disregard of annual income increases as a result of:

- Employment of a family member with a disability who was unemployed for at least 12 months prior to employment. "Unemployed" means that the person earned less than what he or she could earn working for 10 hours per week for 50 weeks at minimum wage; or

- Increased earnings by a family member with a disability during participation in any economic self-sufficiency or other job training program; or

- New employment or increased earnings of a family member who received at least $500 in TANF assistance, benefits, or services within 6 months of either going to work or increasing earnings.

Increase in Annual Income Disregarded (for rent calculation)

- First Year: 100% of income increase due to increased earnings;

- Second Year: 50% of income increase due to increased earnings.

For further questions or specific guidance on this topic, please contact your local Public Housing Authority or Housing Choice Voucher office.
APPENDIX F
U.S. Department of Housing and Urban Development
Community Planning and Development

Special Attention of:
All HOPWA Formula Grantees
All HOPWA Competitive Grantees
All CPD Field Office Directors

Notice: CPD 06-07
Issued: August 3, 2006
Expires: August 3, 2007

Cross References
24 CFR Part 574 -- Housing Opportunities for Persons With AIDS (HOPWA)

Subject: Standards for HOPWA Short-term Rent, Mortgage, and Utility (STRMU) Payments and Connections to Permanent Housing

TABLE OF CONTENTS— (WITH CORRECTION II (H))

(I) Overview:
   (a) Authority
   (b) Purpose
   (c) Generalized Statement of Eligible Activities to Prevent Homelessness

(II) Standards for STRMU Payments:
   (a) Confidentiality of Client Information
   (b) Connection to Permanent Housing
   (c) Eligibility for STRMU—HIV and Low-income Status
   (d) Eligibility for STRMU—Current Resident
   (e) Eligibility for STRMU—Risks of Homelessness
   (f) Capped Payments
   (g) Suitable Housing Units
   (h) [removed]

(III) The Eligible STRMU Period—Standard Methods to Track:
   (a) Limit of 21 Weeks
   (b) Methods for Calculating the Annual Eligible Period

(IV) Performance Objectives:
   (a) Performance Output and Outcome Goals
   (b) Housing Outputs on Number of Households Assisted
   (c) Client Outcomes on Housing Stability and Reduced Risks of Homelessness
   (d) Outcomes on Access to Health Care, Case Management Services, and Employment Assistance and Training

(V) Connections to Permanent Housing Placement:
   (a) Individual Housing Service Plan
   (b) Permanent Housing Placement Assistance
   (c) Related Use of Rental Assistance
   (d) Related Use of Facilities

(VI) Waiver of Time Limitations for Short-term Rent, Mortgage, and Utility Payments:

(VII) Waiver Request Process:
   (a) Field Office Actions
   (b) Necessary Elements

(VIII) Field Office and Grantee Oversight:
   (a) Oversight Actions
   (b) Continued Appropriate Housing

(IX) Frequent Questions and Answers (FAQ)

Distribution: W-3-1,
I. Overview:

(a) Authority. Section 858 of the AIDS Housing Opportunity Act (“Act”), 42 U.S.C. 12907, authorizes the use of Housing Opportunities for Persons With AIDS (HOPWA) funds for short-term rent, mortgage, and utility payments (STRMU) to prevent the homelessness of the tenant or mortgagor of the dwelling. Regulations implementing STRMU are found at 24 CFR 574.300(b) and 574.330. This part of the HOPWA program is often referred to as "Short-term" or "Limited Housing Assistance" since clients are households who are facing the loss of their current housing arrangements through pending eviction, foreclosure, or the termination of utilities due to non-payment of these expenses. Clients can solicit help in paying some or all of these eligible expenses when they are in arrears in order to eliminate the threat of homelessness of the HOPWA client.

The objective of the HOPWA program is to address the housing needs of eligible persons associated with the challenges of living with HIV/AIDS. STRMU payments are for eligible individuals and their household family members who are already in housing and who are at risk of losing that housing. STRMU should not be used to assist a client with locating a housing unit or with other move-in support, as the household should already have a housing arrangement. Other sections of the Act provide for assistance with these other types of housing needs, such as: (i) shelter for persons who are homeless in a short-term supported housing facility; (ii) tenant-based or project-based rental assistance to secure permanent, affordable housing units for on-going support; (iii) residency in a community residence or other housing facilities which provide other forms of on-site support and care; and (iv) housing information services on other housing options, such as public or private housing assistance or homeownership opportunities and support (see the permanent housing placement discussion in section V(b)).

(b) Purpose. This Notice provides guidance in operating short-term rent, mortgage and utility payments (STRMU) projects under the Housing Opportunities for Persons With AIDS (HOPWA) program. STRMU payments are used to prevent homelessness of individuals and families by helping them remain in their own dwellings. This Notice updates and replaces CPD Notice 02-09, issued November 5, 2002, on this subject and related supportive services. Grantees must implement this Notice as soon as practicable. The target date should be the start of the next operating year under their Consolidated Plan schedule or competitive grant agreement, which occurs after this publication date. However, as a program-wide standard, grantees must implement this Notice no later than October 1, 2006.

The goal of STRMU assistance under the HOPWA program is to provide short-term interventions that help maintain stable living environments for households who are experiencing a financial crisis as a result of issues arising from their HIV/AIDS condition. STRMU assistance is a type of prevention that is intended to reduce the risks of homelessness, and, along with other HOPWA efforts, to improve access to health care and other needed support. As a reasonable HOPWA program goal, this Notice seeks to foster long-term solutions to housing problems for clients receiving this time-limited housing assistance. This can be done by the creation and use of individual housing service plans that include an assessment of current resources and establish long-term goals for recipient households along with access to other support, where needed. These goals should involve efforts to restore client self-sufficiency and future independence from the need for housing support. On-going assessments of the housing assistance and supportive services requested by participants, as required under 24 CFR 574.500, may be evidenced by the development of a housing service plan for every client of the agency approving the expenditure of STRMU payments. Stand alone STRMU payments are likely to create only a temporary solution for an unstable living arrangement unless connected to a long-term housing service plan for maintaining the household.

This Notice will assist grantees in determining the eligible payment period for STRMU benefits. Grantees and Project Sponsors must verify tenancy and the household’s short-term housing needs. Grantees are encouraged to coordinate related housing efforts to assess the on-going housing needs of these households, establish an individual housing service plan for each household, and provide access to other permanent housing options for HOPWA eligible persons and their families. In some situations, the household may be helped to secure other forms of housing support, such as residency in a community residence or in another housing facility that provides on-site support or qualify for another public housing...
program. In other situations, the eligible person and his family may be able to transition out of public support in cases where the household is appropriately housed and capable of independent living with private resources. For some, the plan may establish that the household was assisted in addressing a temporary housing crisis, and that, with STRMU assistance, the matter was resolved to allow for continued self-sufficiency of the household.

(c) Generalized statement of eligible activities to prevent homelessness. This chart is intended to clarify how STRMU payments and other HOPWA eligible housing activities can be used to help households achieve more stable housing arrangements. Rows 1-7 are eligible housing activities under HOPWA-funded programs. Short-term rent, mortgage and utility payments to prevent homelessness of eligible persons is listed in column A, and other related HOPWA eligible activities in columns B-E, as found at 24 CFR 574.300(b).

<table>
<thead>
<tr>
<th>Eligible HOPWA Activity (right) and type of benefit (below)</th>
<th>A. Short-term Rent, Mortgage and Utility payments</th>
<th>B. Tenant-based Rental Assistance</th>
<th>C. Housing Information Services</th>
<th>D. Permanent Housing (PH) Placement as a Supportive Service</th>
<th>E. Housing Case Management as a Supportive Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rent payments (for households with a lease)</td>
<td>Yes, if within 21 week limit</td>
<td>Yes, if done with inspections for Housing Quality Standards and with resident rent payments</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>2. Mortgage payments (but not down-payment support for new units)</td>
<td>Yes, if within 21 week limit (for costs within the mortgage agreement)</td>
<td>No</td>
<td>No, but can be related support through information on homeownership programs</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>3. First month’s rent and security deposits; credit checks</td>
<td>No</td>
<td>No</td>
<td>Yes, for reasonable costs to move persons to permanent housing, not to exceed 2 months of rent costs, including security deposits and fees for credit checks</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>4. Utility payments (gas, electric, water and sewer)</td>
<td>Yes, if within 21 week limit</td>
<td>Yes, if part of the rental payment</td>
<td>No</td>
<td>Yes, but only for one-time utility hookup and processing costs</td>
<td>No</td>
</tr>
<tr>
<td>5. Information and/or support to locate and apply for housing assistance</td>
<td>No</td>
<td>No</td>
<td>Yes, for costs for providing information and materials that inform clients of available housing</td>
<td>Yes, as support and help to complete PH applications, and eligibility screenings for tenancy or utilities for these units</td>
<td>Yes, such as counseling and help to develop a housing service plan to establish stable permanent housing</td>
</tr>
<tr>
<td>6. Move-in support, such as supplies, furnishings, incidental costs, and minor repairs of housing units</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No, however programs may coordinate with leveraged resources and donations for these purposes</td>
<td>No</td>
</tr>
<tr>
<td>7. Other elements</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Life skills and housing counseling on unit cleaning, maintenance and household budgeting</td>
<td>Help to access other benefits, such as health-care and other supportive services</td>
</tr>
</tbody>
</table>

NOTE: STRMU projects should consider how to access other housing, as needed, including permanent housing programs. STRMU costs are direct housing and utility costs and do not include personal items such as grooming, clothing, home and personal furnishings, supplies, care for pets,
financial assistance, consumer credit payments, entertainment activities, vehicle maintenance and repairs, phone service, and other non-housing-related costs. See additional HOPWA standards at 24 CFR part 574.

II. Standards for STRMU Payments:

(a) Confidentiality of Client Information. The provision of HOPWA funding involves information on the HIV/AIDS status of individuals for the purpose of determining eligibility for program support. Such information is subject to confidentiality requirements, as mandated by Section 856 of the AIDS Housing Opportunity Act. The implementing HOPWA regulation, as set forth at 574.440, states: “The grantee shall agree, and shall ensure that each project sponsor agrees, to ensure the confidentiality of the name of any individual assisted under this part and any other information regarding individuals receiving assistance.” Consistent with statutory and regulatory requirements, grantees and project sponsors must ensure that information is used for the limited purpose of establishing program eligibility. HIV/AIDS status, along with related client eligibility documentation, should only be accessible by qualified individuals who determine eligibility or provide support, or who oversee the provision of this federal assistance. Grantees must have written procedures and training efforts in place to maintain confidentiality. Precautions may include, but are not limited to, maintaining paper files in locked cabinets accessible only by designated individuals, and installing security software for electronic files. Grantees should conduct periodic monitoring of these procedures and undertake related training efforts. As in other areas involving sensitive or protected client information, questions should only be asked and recorded when a program or project has adequate data confidentiality protections in place. However, such actions shall not limit the collection of non-personal data necessary to demonstrate sound management of program resources, such as aggregated non-identifying information collected for program performance reports, or controlled access by an authorized governmental official to adequately conduct a program management monitoring or financial audit. Failure to comply with this section shall be considered a default of grant responsibilities, which, after notice, may give rise to suspension and/or loss of grant funds, as well as other potential actions or liability.

(b) Connection to Permanent Housing. As a short-term intervention tool, STRMU assistance is not intended to provide continuous or perpetual assistance. Other types of HOPWA assistance, such as rental assistance (see 574.300(b)(5)), residency in community residences or other housing facilities (see 574.300(b)(3), (4) and (8)), or assistance with access to other housing programs should be employed when client assessments indicate that little or no improvement of the “conditions” that caused this financial burden are likely during or after the 21-week benefit period. STRMU assistance is “needs-based” and intended to benefit clients who are temporarily unable to meet their monthly housing and utility expenses due to unexpected situations. STRMU assistance should be consistent with an assessment of the family’s housing or utility needs and connected to the establishment of a related individual housing service plan to address those on-going needs.

(c) Eligibility for STRMU—HIV and Low-income Status. To receive STRMU assistance, the client must be eligible for HOPWA assistance. Pursuant to 24 CFR 574.3, an eligible person means “a person with acquired immunodeficiency syndrome or related diseases who is a low income individual … and the person’s family.” The project sponsor must maintain documentation that the assisted person is HIV positive or has a diagnosis of AIDS, as determined by a health professional competent to make such a determination. Sufficient determinations include documentation resulting from appropriate HIV tests administered by a physician’s office, HIV counseling center or community health center. Documentation must also confirm that the eligible person and his family are low-income, as measured as 80 percent of area median income, and provide for periodic updating of income information, such as annual re-determinations (see: HUD income limit information for Fiscal Year 2006 income limits at http://www.huduser.org/datasets/il/il06/index.html).

(d) Eligibility for STRMU—Current Resident. In order to receive STRMU assistance, there must be evidence of client tenancy or ownership and residency. To receive rental payments, the eligible person
or a member of the resident household must present evidence that he is a named tenant under a valid lease or that he is a legal resident of the premises. To receive a mortgage payment, the eligible person must demonstrate that he is the resident owner of mortgaged real property. For utility assistance, the eligible person must have an account in his name with a utility company or proof of responsibility to make utility payments, such as cancelled checks or receipts in their name from a utility company. Individuals who have prior criminal histories, poor credit or lack of rental history often do not have leases or utility accounts in their name; however, they are responsible for paying the housing expenses. Satisfactory evidence of tenancy includes the lease naming them as leaseholder or eligible household occupant, or a default/late payment notice that identifies the eligible person or a resident member of the family as a named tenant under the lease. Satisfactory evidence of ownership of encumbered property includes: (i) a deed accompanied by a mortgage or deed of trust; (ii) a mortgage or deed of trust default/late payment notice which identifies the eligible person or a resident member of the family as the property owner/debtor; and (iii) a valid, current dated title insurance policy identifying the eligible person or a resident member of the family as property owner/debtor.

(e) Eligibility for STRMU—Risks of Homelessness. HOPWA is a "needs-based" program; therefore, clients must demonstrate the level of benefits needed through verifiable documentation. Federal assistance covers actual costs, which are not covered or reimbursed from other available resources when the household is unable to make payments for monthly housing costs. Program staff are responsible for verifying and documenting the client’s inability to make required payments. The housing service provider should assess that the household’s needs are (i) for actual costs, (ii) that other resources, such as household income, are not reasonably available to address the unmet housing need, (iii) that the STRMU payment will alleviate the payment delinquency so as to avoid the eviction and result in, at least, temporary stability for that household, and (iv) that the household’s on-going housing needs were assessed or will be assessed in connection with the development of an individual housing service plan for the household. STRMU payments cannot be made to an eligible person and their family for the same period of time or housing costs if assistance is also being provided for those costs and period of time through HOPWA or another federal, state or local housing subsidy program.

Although STRMU assistance does not require the client to pay a portion of the rent or utility bill, STRMU payments must not be used to relieve the household responsibility for their rent, mortgage, or utility payments in the absence of inability to pay. If a client is capable of paying some of their required payments, program staff may negotiate an appropriate amount for the household’s contribution to ensure these partial payments are made by the client, thereby limiting STRMU payments to the difference between the amounts due and the amount the client is able to pay. If clients know that they could save some weeks of assistance for future emergencies by paying at least a portion of the debt and having the assisted portion count as only a portion of the month, it fosters more incentive and accountability with that client. For example, program staff might determine through the assessment process that the client is able to pay $100 of their $400 rent (equal to ¼ of the total). For the purposes of tracking, the amount of weeks or period of assistance used would be only for the part of the monthly housing costs paid by STRMU, which in this case is ¾ of the month or three weeks of assistance (see section IV). In providing STRMU assistance, program staff must document that the client has no other means to cover the payment(s) during the 21-week period and that the grantee is making efforts to develop a permanent solution to this housing affordability problem. Included in this Notice is a table demonstrating how these payments can be tracked to help assure adherence to the 21-week payment limitation.

(f) Capped Payments. For STRMU assistance a grantee may authorize a project sponsor to establish a capped amount for the individual or family’s housing or utility assistance payment for a given period of time. In establishing a capped amount, grantees must consider the area’s Fair Market Rent, rent reasonableness or other measure of the area’s housing market with a goal that the level of support is sufficient to avoid any continuing household housing crisis. Should a grantee apply caps or limitations on the amount of assistance, the use of these limits must be applied in a uniform, consistent and non-discriminatory manner. In the case that a household receives the maximum subsidy for that period, HUD will consider the assistance to have been attributable to the entire 21-week period allowed by the
regulations. If the grantee allows a provider to establish a program limit or schedule of support available as STRMU payments, the use of the limit must be established as an expressed element of the grantee’s annual action plan under the Consolidated Plan, or as a specific element in an approved competitive application. The use of this schedule must be assessed for its appropriateness in assistance provided to eligible persons and monitored for consistency by the grantee. The grantee should report its assessment to HUD as an expressed element of the grantee’s annual report to ensure that the use of any schedule results in adequate and appropriate housing support of the households assisted. The assessment must cover the four items found in paragraph (e) on actual need.

(g) Suitable Housing Units. As STRMU is used to support households in their current housing, it is required that projects assess whether the housing is safe, decent and sanitary as part of their required on-going assessment of the housing assistance provided through this federal program. A housing quality standard inspection is not required initially for the use of these time-limited STRMU payments, if needed to prevent the homelessness of the household and the unit is safe and decent. However, it is strongly recommended that continued occupancy of any HOPWA-supported housing be shown to meet HUD’s habitability standards found at 24 CFR 574.310(b)(2), and that any observed deficiencies noted in an individual housing service plan are addressed appropriately, consistent at a minimum with state and local standards.

(h) [removed]

III. The Eligible STRMU Period—Standard Methods to Track:

(a) Limit of 21 Weeks. The statute and related regulations place limitations on the length of time clients may receive STRMU assistance. Beneficiaries should be prompted to make at least a partial payment for their housing costs. Assistance may not be provided for costs accruing over a period of more than 21 weeks in any 52-week period. Therefore, program staff are required to examine the periods of time covered by rental, mortgage and utility bills to assure that payments are not made in excess of amounts incurring over 21 weeks. Note that short-term support should be connected to helping households with more long-term needs with other forms of support. All STRMU costs may be equated to the actual calendar days of assistance provided; however, HOPWA allows other acceptable methods for equating and tracking the “benefits period” as most costs relate to monthly billing cycles for rent, mortgage or utility payments. Once a grantee selects the method it intends to use for calculating the maximum allowable period of benefits, the grantee must use that particular method for every project sponsor. The purpose of allowing these three methods is to help grantees establish clear procedures for tracking the application of this 21-week limit on such monthly costs. The four standard methods are as follows:

1. **CALENDAR DAYS OF ASSISTANCE.** This method would be equal to the actual days for which housing and/or utility payments are made on behalf of the client household. The limit of 21 weeks is equated to 147 days of assistance in the year.  **Example #1:** If a total utility bill was paid and the service period was April 17-May 16, 14 days would be attributed to April and 16 days to May.  **Example #2:** If a portion of the utility bill was paid, the days would be counted based on the amount that was paid by STRMU (e.g. total bill for April 17-May 16 (30 days)) is $148.00. Agency agrees to pay $100. Divide $148 by 30 days, which equals $4.93 per day. The $100 payment divided by $4.93 per day equals 20.3 days (rounded to 20 days) assisted by STRMU.

2. **ROUNDING A MONTH TO FOUR WEEKS.** This method rounds each month to four weeks, allowing for up to 21 weeks in the benefits period. Rental and mortgage costs generally cover a calendar month period consisting of slightly more than four full weeks. This method allows for 5 months and one week of assistance as the limit, regardless of the number of days in those months.  **Example:** A rental period of June 1-June 30 is rounded down to 4 weeks. If payment was made for 75% of a month’s rent it would be tracked as 3 weeks; 50% of a month’s rent would be tracked as 2 weeks, and 25% of a months rent would be tracked as 1 week.
Monthly utility service periods generally do not coincide with rent or mortgage periods, rather they likely span parts of 2 calendar months (e.g. May 7-June 6). When assisting only the utility costs, the monthly assistance period is rounded down to 4 weeks of STRMU support. Example: A utility period of May 7-June 6 is rounded down to 4 weeks. If payment was made for 75% of a utility bill it would be tracked as 3 weeks; 50% of a utility bill would be tracked as 2 weeks, and 25% of a utility bill would be tracked as 1 week.

If both a housing bill and utility bill are paid to address the household’s STRMU need, but the dates of service do not coincide, the benefit period would be calculated as follows: Count this overall assistance as one month (4 weeks) if at least 14 days of the utility period coincide with the rent/mortgage period. In situations where less than 14 days coincide, the remaining portion of the utility period will be attributed to the next month for tracking purposes. Example #1: A rental period of May 1-31 is rounded down to 4 weeks. The utility period of May 7-June 6 results in 25 days coinciding with the rental period; therefore, a total of 4 weeks is counted in May for the payment of both rent and utilities. Example #2: If the utility bill had coincided with the May rental period for less than 14 days (e.g., May 20-June 19, equaling 12 days rounded up to 2 weeks in May), part of this assistance (19 days) would be attributed to June, as 3 additional weeks of assistance added to the 4 weeks attributed to May for rent assistance.

(3) COUNTING FULL AND PARTIAL WEEKS. This method tracks twenty-one weeks of assistance based on 52 weeks per year, divided by 12 months, rounded to 4.3 weeks per month. A full month’s rent would be tracked as 4.3 weeks; 75% of a month’s rent would be tracked at 3.2 weeks, 50% of a month’s rent would be tracked as 2.2 weeks, and 25% of a month’s rent would be tracked at 1.1 weeks of assistance.

(b) Methods for Calculating the Annual Eligible Period. The grantee must ensure that all project sponsors use the same method each year to determine the period for STRMU assistance. The period may be calculated by using any of the acceptable methods; however, the grantee must select one method and require project sponsors to consistently apply it for all of its clients. (i) The first method is to use a set standard annual period for all clients. This can be either the grantee's operating year under their HUD-approved Consolidated Plan, which is used for plan approval and for annual reporting to HUD or the calendar year, which begins January 1 and ends on December 31; or for a competitive grant, the operating year established under the grant agreement with HUD. (ii) The second method is for grantees to establish a separate period of eligibility for each client. This is based on the beginning service date in which a STRMU payment is made on behalf of the client (e.g., the monthly period in which the first housing and/or utility assistance payment is made, including any overdue bills, prior to the date the client made the request). The client's period of eligibility would end 52 weeks after the first STRMU benefit started accruing. At the end of the 52-week period, the next period of eligibility would begin.

IV. Performance Objectives:

(a) Performance Output and Outcome Goals. STRMU assistance is used to help stabilize clients who are already housed and to provide time to develop a permanent housing stabilization plan for long-term support. Continued reliance on short-term assistance for the same household does not represent a stable living situation although a temporary result shows a reduced risk of homelessness.

HUD tracks established performance goals for the use of STRMU assistance through annual grantee performance reports. At the beginning of each operating year, grantees must estimate the number of households expected to benefit from STRMU payments. Formula grantees must estimate these output goals in their Consolidated Plan annual action plan proposals (and related IDIS elements), while competitive grantees must establish housing output goals on the logic model form of their application to HUD. On February 9, 2006, regulations on this matter were updated in a final rule, entitled Consolidated Plan Revisions and Updates (71 FR 6950). The new rule provides, which is codified at 24 CFR 91.220(l)(3) provides that HOPWA EMSA grantees must establish one-year goals for the number of households to be provided housing through the use of STRMU payments. A similar provision applies to state grantees under 91.320(k)(4). Grantees are responsible for carrying out planned activities
consistent with the HUD-approved grant agreement for their award. Pursuant to section 91.520, grantees are required to provide a report on the comparison of actual to planned outcomes under Section 91.520. Annual output goals are established in grant agreements as the required HOPWA program housing outputs for the expected use of funds to help provide short-term support to eligible persons. At the end of each operating year, the grantee will report to HUD on the total number of different households that benefited from STRMU payments by remaining stably or temporarily housed in their own dwelling. (Note: this is not the number of such payments, as eligible households may receive more than one payment during that year, based on assessed need and consistent with the time limitations).

HUD has established required program outcome measures to determine how assistance helps recipient households establish or maintain stable housing, reduce their risks of homelessness, and improve their access to healthcare and other support. These outcome measures will enable grantees and HUD to better assess the effectiveness of activities in addressing the housing needs of recipients and to increase the number of eligible persons in stable housing situations over time. By design, the intended purpose of short-term assistance is to address immediate housing needs and provide support to prevent or reduce the pressing risks of homelessness for recipients. Projects should not rely solely on short-term assistance. STRMU payments are intended to resolve a housing crisis to help recipients to become self-sufficient. Efforts must involve on-going assessment of housing needs that can be shown by use of an individual housing service plan for recipients, with a focus on how the household will have access to on-going permanent housing assistance.

This new outcome measure will identify HOPWA-assisted households that have been assisted in maintaining their current housing. The outcome goal of a short-term program is to reduce the risks of homelessness and improve access to health care and other support through other public and private resources. At the end of each year of assistance, HOPWA grantees are asked to consider the effects of their efforts and report to HUD under this general client outcome (see updated HOPWA reporting forms). These assessments will help the community, as well as HUD, in assessing past performance and directing future efforts to increase the percentage of clients in stable housing situations under the HOPWA outcome measure. Additionally, programs can utilize the information to consider alternatives or program enhancements if activities do not result in adequate and appropriate benefits for eligible persons. In their annual performance reports, grantees identify:

**(b) Housing Outputs on Number of Households Assisted:** Grantees must compare the estimated number of households to be supported with HOPWA housing assistance funds during this year (as approved in the grant agreement) and the actual number supported by project activities. For STRMU, the report covers the number of households who were assisted during the program year. (Note: revised HOPWA annual performance reports have deleted the previous requirement to track the size of the unit being supported, categorized by the number of bedrooms per unit. Regardless of the number of months the program sponsor made payments for a household, the report will count only once each household that received assistance during the program year.)

**(c) Client Outcomes on Housing Stability and Reduced Risks of Homelessness:** Grantees must provide current year outcomes on the housing status of their recipients. This annual result will be compared with a baseline of the grantee’s prior number of HOPWA-assisted households who were enabled to establish and/or better maintain stable housing and improve their access to healthcare and other support. Grantees will be asked to provide the housing status of their clients, such as clients continuing in a HOPWA housing program or leaving HOPWA housing assistance for other forms of housing support, at the end of each program year. In some cases, the household becomes self-sufficient, or qualifies for another housing program that helps them maintain a stable living arrangement. For others, additional short-term or transitional housing support will be required, and these households are reported under a temporary arrangement. However, some clients leave programs for compliance reasons, other failures, or unknown causes that evidence an unstable arrangement or result. To complete HUD reports on STRMU activities, grantees will be asked to use charts similar to those depicted below.
Examples for Reporting on HOPWA Housing Stability Outcomes – Status of Clients at the end of the grantee operating year.

- In column 1, provide the total number of eligible households that received STRMU housing assistance.
- In column 2, out of the total number of households receiving STRMU assistance this operating year, indicate what number of those households also received STRMU assistance in the prior operating year (covering 2 years of STRMU assistance), and what number of these households further received STRMU assistance in both of the prior two operating years (covering 3 years of STRMU assistance).
- In column 3, report the status of each household at the end of the operating year, regardless of the number of weeks of STRMU assistance accessed. If members of a household had different outcomes during the operating year, report only on the destination of the eligible person living with HIV/AIDS.

<table>
<thead>
<tr>
<th>Short-term Housing Subsidy Assistance</th>
<th>1. Total Number of Households Receiving HOPWA STRMU Assistance</th>
<th>2. Of the Total number Households Receiving STRMU Assistance this operating year</th>
<th>3. Housing Stability Status of STRMU Assisted Households at the End of Operating Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>What number of those households received STRMU Assistance in the prior operating year:</td>
<td>What number of those households received STRMU Assistance in the two (2) prior operating years (ago):</td>
<td>1 (Emergency Shelter) =</td>
</tr>
<tr>
<td>Short-term Rent, Mortgage, and Utility Assistance</td>
<td></td>
<td></td>
<td>3 (Private Housing)* =</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>5 (Other Subsidy) =</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>7 (Jail/Prison) =</td>
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<tr>
<td></td>
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<td></td>
<td>9 (Death) =</td>
</tr>
</tbody>
</table>

Background on HOPWA Housing Stability Codes

Unstable Emergency or Homeless status

1 = Emergency shelter or no housing destination due to habitation in places not intended for occupancy (e.g., a vehicle, an abandoned building, bus/train/subway station, or anywhere outside).

Short-term and Temporary Housing Arrangements

2 = Temporary housing and other short-term arrangements, such as moving in with family/friends, continued STRMU assistance, Ryan White subsidy, transitional housing for homeless, and temporary placement in institution (e.g., hospital, psychiatric hospital or other psychiatric facility, substance abuse treatment facility or detox center).*

* NOTE: STRMU is considered a temporary arrangement that reduces the risk of homelessness for a tenant or resident owner, and should be reported as category #2, if there is a reasonable expectation that additional STRMU support is needed or likely to continue into the next program year in order to assist the household in avoiding homelessness.

Stable Permanent Housing/Ongoing Participation

3 = Private Housing in the private rental or homeownership market (without known subsidy other than STRMU, including permanent placement with families or other self-sufficient arrangements) with reasonable expectation that additional support is not needed.
4 = Other HOPWA-funded housing assistance that is not STRMU assistance (e.g. TBRA or facility-based assistance).

**NOTE:** For some households, STRMU may address the temporary housing need for a tenant or resident owner, and should be reported as category #3 if there is an assessment and reasonable expectation that additional STRMU support will NOT be needed or is unlikely to continue into the next program year and the household will likely maintain its private housing arrangement.

5 = Other subsidized housing assistance from non-HOPWA sources (e.g., Section 8, HOME, public housing).

6 = Institutional setting with greater support and continued residence expected (e.g., residential or long-term care facility, hospital).

**Life Events**

7 = Jail or prison.

8 =Disconnected or disappeared from project support, unknown destination or no assessments of housing needs were undertaken.

9 = Death (i.e., remained in housing until death). This life event is not factored into determining or assessing the housing stability outcome for beneficiaries.

**Assessments for STRMU assistance:**

**Stable Housing** is the sum of the number of households reported under categories 3, 4, 5, and 6 who received STRMU assistance for some portion of the permitted 21-week period and there is reasonable expectation that additional STRMU support is **not** needed in order to maintain private housing arrangements (as STRMU is a time-limited form of housing support).

**Temporary Housing** reported under category 2 should be used to reflect on-going short-term or temporary efforts that help prevent or reduce risks of homelessness. Include households that received STRMU assistance for some portion of the permitted 21-week period and who will most likely continue to receive this assistance in the next program year, based on a reasonable understanding or assessment of their housing arrangements.

**Unstable Situations** is the sum of the number of households reported under categories 1, 7, and 8 that accessed assistance for some portion of the permitted 21-week period during the program year, and the household is maintaining a temporary housing arrangement that is likely to rely on STRMU assistance into the next year.

**Note:** In some situations, a household may utilize STRMU only once or twice during the program year and remain stably housed for long periods of time. There are other households who access assistance more often and are not stably housed after 21 weeks, but remain in their unstable housing situations because of limited affordable housing options in their community. It will be important to note in the required on-going program assessment the number who return for STRMU assistance in the next program year. In such cases, the assessment for use of a STRMU-only approach to their needs may show that this type of support is temporary in avoiding homelessness and that the household requires a more appropriate level of permanent housing support. HUD is interested in reviewing the performance data to be collected in evaluating this aspect of program support to note if such temporary help with STRMU can stabilize households in an appropriate and cost effective manner. Additionally, grantee comments on this performance result and efforts conducted consistent with the individual housing service plan would also be useful to understanding the challenges facing this special needs population.
(d) Outcomes on Access to Health Care, Case Management Services and Employment Assistance and Training: As required for the on-going assessment of the housing assistance and supportive services provided to beneficiaries, grantees are asked to consider how beneficiaries of STRMU payments can improve their access to other support to establish a more stable housing situation, as needed. For example, eligible persons who need to relocate from inadequate housing could benefit from the use of housing information services, permanent housing placement services, or other supportive services by the project sponsor, to find and establish a new residency in an appropriate housing unit. Case management support in connection with housing information services and housing placement support can enable STRMU households to receive support to develop housing plans to better establish and maintain stable living arrangements by accessing other housing support along with healthcare and mainstream human services. Such efforts may be shown in changes in the household incomes, through access to other public benefits or employment. Other types of support interventions are also available.

To measure the effectiveness of this support, the grantee’s annual report should indicate the number of households in the STRMU program who had an assessment of their connection to supportive services which demonstrated the following service involvements prior to entry into the program and/or newly established this connection to support during the program year: (i) has a housing plan for maintaining or establishing stable on-going residency; (ii) had contact with a case manager/benefit counselor at least once in the last three months (or consistent with the schedule specified in their individualized service plan); (iii) had contact with a primary health care provider at least once in the last three months (or consistent with the schedule specified in their individualized service plan); (iv) had medical insurance coverage or medical assistance; (v) obtained an income-producing job created by this project sponsor during the year; and (vi) obtained an income-producing job outside this agency during the year.

Example: Reporting access to services prior to and during HOPWA STRMU assistance. Please indicate the number of STRMU participants who had the following service, accessed prior to entry into the STRMU program and/or during the operating year:

<table>
<thead>
<tr>
<th>Category of Services Accessed</th>
<th>Number of Households receiving HOPWA Housing Assistance</th>
<th>Number of jobs that included health benefits</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>At Entry or Continuing from prior year</td>
<td>At Exit or Continuing in the program (into next year)</td>
</tr>
<tr>
<td>i. Has a housing plan for maintaining or establishing stable on-going residency.</td>
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<tr>
<td>ii. Had contact with a case manager/benefit counselor at least once in the last three months (or consistent with the schedule specified in their individualized service plan).</td>
<td></td>
<td></td>
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<tr>
<td>iii. Had contact with a primary health care provider at least once in the last three months (or consistent with the schedule specified in their individualized service plan).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv. Had medical insurance coverage or medical assistance.</td>
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<tr>
<td>v. Obtained an income-producing job created by this project sponsor during the year.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>vi. Obtained an income-producing job outside this agency during the year.</td>
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</table>

Note: This chart is provided to illustrate the information to be reported on client outcomes from the use of STRMU payments and related program activities to support permanent housing placements for beneficiaries of HOPWA assistance. Please use the appropriate HOPWA report forms provided through the CAPER, APR, and IDIS reporting and not through these examples when providing annual information to HUD.
V. Connections to Permanent Housing:

STRMU support is limited to helping the household maintain a current residence on a temporary basis. Other forms of HOPWA support may be used to compliment the use of short-term assistance, such as housing case management, housing information counseling, permanent housing placement support, and the costs for on-going housing support through rental assistance programs, or residence in housing facilities.

(a) Individual Housing Service Plan. Along with client eligibility, the project sponsor must document the appropriateness of the STRMU payment in each client’s file. Grantees are required to conduct an ongoing assessment of the housing assistance and supportive services required by participants in the program at 24 CFR 574.500. Grantees can satisfy this requirement by directing their sponsors to develop individual housing service plans for all beneficiaries. HOPWA housing information services at 574.300(b)(1), or housing case management funds at 574.300(b)(7), may be used to help the client understand available housing resources and develop and follow their individual housing service plan with connections to other support. The plan should identify the household’s on-going housing stability needs and likely options for providing related assistance, including the use of other housing programs and mainstream health and human welfare programs. In providing STRMU assistance, the provider’s qualified staff should assess the client’s housing needs and related resources, along with the reasons or causes of the housing need. The plan should address budget and money management issues, if the cause for housing debt is related to the household’s poor money management practices, such as the use of credit cards or cash for non-essential items, or entertainment activities. The assessment should help determine how to best use short-term or transitional support in connecting the on-going permanent housing arrangements, including forms of supportive housing or more independent living arrangements reasonably associated with the assessment of the client’s needs. STRMU assistance must be provided in a manner that has a sufficient or clear beneficial effect on addressing the client’s assessed immediate or short-term housing needs and only be provided in connection with the client’s demonstrated compliance with the plan. Plans should establish the on-going housing stability goals for clients in connection with their need to access medical treatment and supportive services associated with HIV/AIDS issues.

(b) Permanent Housing Placement Assistance. Permanent housing placement services at 574.300(b)(7) may be used to help eligible persons establish a new residence where on-going occupancy is expected to continue. It may be used to compliment other forms of HOPWA housing assistance. For example, it may be used to assist STRMU clients who have exceeded the 21-weeks of allowable assistance.

(i) Costs may include fees for housing services or activities designed to assist individuals or families in locating suitable housing, which at a minimum would be referral to housing that is decent, safe and sanitary, subject to requirements covering other assistance programs. These costs may include tenant counseling, assisting individuals and families to understand leases, secure utilities, make moving arrangements, pay for representative payee services for persons who use such services to better manage their own finances, and mediation services related to neighbor/landlord issues that may rise.

(ii) Costs may include placement costs such as application fees, related credit checks, and reasonable security deposits necessary to move persons into permanent housing, provided such deposits do not to exceed two months of rent, and such funds would be designated to be returned to the program.

(iii) However, some items are not eligible as HOPWA permanent housing placement costs, such as costs for housing supplies, smoke alarms, standard furnishings, minor repairs to the unit associated with the move-in, and other incidental costs for occupancy of the housing unit. Note: while these items are not eligible as HOPWA costs for permanent housing placement assistance, grantees may make use of leveraged funds or donations to address the related needs for other move-in support for HOPWA beneficiaries.
(c) Related Use of Rental Assistance. If it is determined that STRMU clients need ongoing rental assistance beyond the 21-weeks or the program cap to address immediate housing needs, HOPWA project-based or tenant-based rental assistance, or other forms of tenant-based rental assistance such as HUD’s Section 8 Voucher or HOME programs may be used. (However, many of the available housing programs are targeted to rental housing assistance and may not be available to homeowners or to pay for mortgages). These rental assistance programs may also address monthly housing costs, but do not allow for the use of security deposits such as first and last month’s rent and utility deposits. Other categories of HOPWA funding may be used for this purpose (see permanent housing placement above). Rental assistance programs must conduct housing quality inspections to determine the suitability and habitability of the rental unit, and have requirements for resident rent. For example, a portion of rental costs paid from household income, which is set to limits such as 30 percent of adjusted gross monthly income. HOPWA regulations have additional standards for resident rent payments and housing quality inspections at 574.320.

(d) Related Use of Facilities. Clients who previously received STRMU assistance may also later in the year be placed in a housing facility in which the household benefits from residency through the use of project-based rental assistance or through the costs to operate those facilities. In addition to rental assistance for households who are homeless, the program may offer shelter or residency in community residences or other housing facilities for which the costs of facility development, leasing or operating cost for the housing facility is eligible under 574.300(b)(3), (4) and (8), along with related supportive services for residents under 574.300(b)(7). A facility could operate to address emergency, transitional and/or permanent housing needs of beneficiaries.

VI. Waiver of Time Limits for Short-term Rent, Mortgage and Utility Payments:

Waivers of the STRMU 21-week time limitations may be granted by HUD for a period of one year on an individual basis, subject to approval by the Assistant Secretary for Community Planning and Development (CPD) and the concurrence of the Office of General Counsel (OGC). Although other forms of HOPWA or other program assistance may be available to grantees or sponsors to address the ongoing housing needs, in certain situations it will be necessary to obtain a waiver of the STRMU time limitation. Waiver requirements are found in the regulations at 24 CFR 574.330(a)(2): Waiver of time limitations. HUD may waive, as it determines appropriate, time limitations based on the good faith effort of the grantee or project sponsor to provide permanent housing or housing in a living environment appropriate to the client's health or social needs. However, since grantees can make use of rental assistance under 24 CFR 574.300(b)(5) in lieu of continuing short-term assistance, a waiver of the short-term limit should only be requested in special circumstances and not for reasons of administrative convenience. HUD will require that the suitability for continued use of STRMU payments be shown in an individual housing service plan for the household to evidence good faith effort.

Waiver requests must address the client’s housing quality standards. For clients receiving rental assistance in excess of 574.320(a), waiver requests must also address the maximum subsidy limit. Housing that does not meet the housing quality standards found at 574.310(b) is not, in CPD’s determination, appropriate to any client's health or social needs. Similarly, CPD has determined that clients living in rental housing receiving STRMU assistance in excess of the maximum, monthly subsidy under 574.320(a) are not appropriately housed. The request should demonstrate that the household’s on-going housing needs were assessed in connection with efforts to access other support, such as the development of an individual housing service plan for the household, and how support to access other forms of needed support were undertaken.

VII. Waiver Request Process:

(a) Field Office Actions. HUD's CPD Directors are not authorized to approve waivers but may recommend such actions. Field Offices must follow the standard procedures used when the waiver of a regulation provision is requested. To expedite waivers so that they may be obtained before payments for a 22nd week or sixth month of assistance are needed, the CPD Director should send a concurring or nonconcurring statement, together with the grantee’s written request for a waiver of the regulation to the
Assistant Secretary for Community Planning and Development. Given the short period of STRMU assistance, please also alert the Director, Office of HIV/AIDS Housing, at HUD Headquarters, as soon as practical, that this type of request is underway to provide support for preparing this time sensitive matter. Grantees should seek to process any needed waiver for the individual or family at least four weeks prior to the 21-week limit, as these actions require review actions by a number of HUD offices.

(b) Necessary Elements. The Office of HIV/AIDS Housing will provide support for the Assistant Secretary’s consideration of the STRMU waiver request and will help process all requests with concurrence by OGC. In granting waiver requests, HUD will consider the appropriateness of the housing to the needs of the individual client, such that the current level of housing support will maintain the individual in an independent living situation in a reasonable manner. HUD will also consider the grantee's good faith effort to access and/or provide permanent housing. For example, housing case management efforts or housing information services to secure alternate housing solutions, housing counseling efforts, as well as placing the client on wait lists for mainstream permanent types of housing assistance, such as HOPWA rental assistance, Section 8 vouchers or various other affordable housing resources. Each client for whom a waiver is sought must attest that the conditions that caused the original financial burden and need continue to exist, and without this assistance the client would be at risk of homelessness. Prior to soliciting HUD’s approval of a waiver, each property inspector or case manager shall document the client's capacity to live independently and that the level of benefits received is sufficient to satisfactorily sustain the client in their dwelling.

VIII. Field Office and Grantee Oversight:

(a) Oversight Actions. After HUD approves a waiver of the time limitation, the grantee and HUD staff should provide adequate grants management oversight, including on-site monitoring, to inspect a sampling of client files for the clients for whom waivers were issued. An effort should be made to determine if these clients have been moved to permanent housing or continue to receive assistance, and that the type of housing assistance is appropriate to their needs. Grantees must ensure that project sponsors maintain in each client file, adequate documentation for a HUD review. Waiver of the time limit for STRMU assistance may extend a client's benefits for a defined period of time specified in the request, such as the remainder of the year, if it is determined and documented that no other appropriate housing options are available that would maintain an adequate and stable living arrangement during this period. Waivers would not be approved for indefinite or unrealistic periods.

Clients receiving STRMU assistance are eligible to receive supportive services, as provided by 574.310(a)(1). Supportive services may continue to be provided to eligible persons while they remain in their residences after the 21-week period for STRMU if such residence is appropriate to the housing needs of the eligible persons and the assistance is consistent with the housing service plan for the household. A mortgage, rent and utility program assisted under this part shall provide, when reasonable, supportive services specifically designed to maintain the individual in such residence.

(b) Continued Appropriate Housing. The grantee and/or project sponsor must evaluate each client's level of need and care to determine if it is appropriate to maintain the individual in an independent living environment, prior to requesting a waiver of the time limitations that would pertain to continuing assistance during the remainder of this grantee operating year (i.e. potentially extending its eligibility period to 52 weeks). An approved waiver would serve to extend each client's benefits for an increased period of time, but clients may not be able to regain independence in their current housing situations. A good faith effort to provide long-term housing solutions must be pursued for each client. Under certain circumstances, the client’s current living environment may be the most appropriate for “his or her health and social needs,” and is deemed more appropriate than relocating an already adequately housed client, if that housing is deemed to be safe, decent and sanitary as determined by a housing quality inspection. Persons in substandard living environments shall not be continued under this short-term program and must be referred to organizations that can provide the appropriate level of care and housing needed by this individual.
IX. Frequent Questions and Answers (FAQ) About STRMU Assistance:

(a) Is there a specific date by which STRMU guidance needs to be implemented?

Grantees must implement this Notice as soon as practicable. The target date should be the start of the next operating year under their Consolidated Plan schedule or competitive grant agreement, which occurs after this publication date. However, all grantees must implement this notice no later than October 1, 2006. A grantee that determines corrective action is needed to fully comply with the Notice should take all necessary steps to correct the matter as soon as practical and may seek HOPWA technical assistance, as needed. If contract amendments are deemed necessary, a reasonable action plan and timeline should be put in place by the grantee for amending its contracts and making the necessary changes, based on this HUD Notice.

(b) Can STRMU payments pay for telephone service?

NO, not as a housing cost reported as STRMU. However, in some situations, a grantee may determine that their HOPWA programs will allow for supportive services that include reasonable costs for basic phone services that are determined to be needed to assist the beneficiary in accessing services, such as maintaining consistent and accurate participation with medical treatment protocols, care or other essential supportive services. As an additional consideration for rural or small population areas, these supportive service cost may involve reasonable costs for long-distance services, if needed, for connecting clients to this available support.

(c) To document need, is a default notice or eviction action required, as these can add late fees to our costs?

This notice does not require documentation in the form of a default/late payment notice to demonstrate housing need. A late payment notice is only one of the methods that can be used to verify the debt; there may be a variety of other ways to verify amounts owed, including calling the utility company, landlord, or mortgage company directly prior to a late payment notice being issued, and thereby avoiding adding late fees as additional costs.

HOPWA is a "needs-based" program and clients must demonstrate a need for benefits through some form of verifiable documentation, noting such as “inability to make their monthly payment.” A grantee can establish a reasonable basis to quantify and verify the need for a STRMU payment. This could involve a record of actual monthly bills for reoccurring cost, and evidence of the limited nature of household income along with limited available financial resources (i.e. balance on bank accounts). This could involve a case manager’s assessment of “need” which includes a variety of elements such as current, previous and future month’s financial situation/forecast, employment/benefits circumstances, and HIV/AIDS health-related conditions. A household budget review of these costs, and assessment of inability to meet such costs, could be done by a housing case manager as part of this documentation of this record. As STRMU payments are a form of time limited interventions, the solution may rest with a need to develop a individual housing service plan that provides a plan for the more long-term housing needs of these households.

This document was issued by HUD’s Office of Community Planning and Development to provide for the management of HOPWA activities consistent with program requirements. Please address any questions to the State or Area CPD Offices in your community, or to the Office of HIV/AIDS Housing, at HUD Headquarters, at HOPWA@hud.gov.
Appendix G
SECTION 504
NONDISCRIMINATION BASED ON HANDICAP IN PROGRAMS FUNDED
BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Section 504 of the Rehabilitation Act of 1974, As Amended - Prohibits discrimination based on handicap in information, participation, services, housing, employment, building accessibility or any other aspects of a program funded by HUD. Regulations issued in 1988 are now being implemented to assure compliance with the Act.

Americans with Disabilities Act of 1990 (ADA) - Prohibits discrimination based on disability by all public/private employers, discrimination in public services by state or local governments, discrimination in places of public accommodations (restaurants, hotels, parks, schools, etc.). This Law becomes effective in 1992.

Individuals with Disabilities - This includes persons that are: 1) mobility impaired; 2) hearing impaired; 3) visually impaired; 4) developmentally disabled; and, 5) persons who remain in-home or institutionalized care settings.

REQUIREMENTS FOR HUD-FUNDED AGENCIES

1) General Requirements:
   a) No qualified individual with disabilities shall, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program funded by HUD.
   b) Project Sponsor may not deny the opportunity, provide less of an opportunity or otherwise limit qualified individuals with disabilities from participating in or receiving services and benefits. This includes participating as a member of the planning or advisory boards or occupying a housing unit provided by the agency.

2) Communications:
   Appropriate auxiliary aids shall be provided where necessary or reasonably requested (e.g. telecommunication devices for deaf persons) for applicants, clients, and employees of the agency. This does not include wheelchairs, hearing aids, or other devices of a personal nature.
   a) Procedures shall be in place to ensure that individuals with disabilities can obtain information on services and their location. This may include the provision of printed materials in Braille, large type, cassette, or disk.
   b) Project Sponsors shall provide proper notification (e.g. in brochures and general printed information) to applicants, clients, and employees of the agency, including those with impaired vision or hearing, that the agency does not discriminate based on disability.
   c) The above notifications should include a telecommunications device number for deaf persons (TDD).

3) Employment:
   a) Project Sponsor may not discriminate in its hiring practices against qualified individuals with disabilities. Discrimination in employment also applies to promotions, tenure, transfers, terminations, rates of pay, job assignments, leaves of absence, sick leave, fringe benefits, and any other terms of employment.
   b) Project Sponsor shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee with disabilities. This may include the provision of equipment or devices, job relocation, job restructuring, or facilities modifications.
4) Building and Program Accessibility:
   a) New Construction – Non-housing facilities shall be designed and constructed to be readily accessible to individuals with disabilities in conformance with the City of Las Vegas Building Code.
   b) Rehab or Alterations - Rehabilitation of non-housing facilities shall be made to be readily accessible to individuals with disabilities in conformance with the City of Las Vegas Building Code. Rehab does not include re-roofing, interior decorations, or changes to mechanical systems. However, rehab shall not be performed in such a manner that it reduces accessibility.
   c) Existing Non-Housing Facilities - An agency shall locate and operate each program receiving HUD assistance so the program, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. An agency may achieve accessibility through methods such as the following: Location of programs or services to accessible facilities or accessible portions of facilities Assignment of aides to assist beneficiaries Home visits The addition or redesign of equipment or furnishings Acquisition or construction of additional facilities Rehab or alterations to facilities on a selective basis.

5) Self Evaluation:
   a) Each Project Sponsor shall conduct a review and self evaluation of its programs, policies procedures, communications, employment practices, facilities, and other aspect of its programs to determine compliance with regulations concerning accessibility and non-discrimination on the basis of disability. Your NPO will provide one for you to complete and keep as part of your records.
   b) The evaluation should cover the four basic categories described previously. The (Accessibility Questionnaire may be used for reviewing the accessibility of the agency’s facility.
   c) Any practices or policies that do not meet accessibility requirements shall be modified to achieve accessibility, and any discrimination revealed by the self-evaluation shall be corrected.
   d) A Project Sponsor employing 15 persons or more shall:
      e) Maintain the results of the above self-evaluation on file and make it available for three years.
      f) Designate an employee to coordinate compliance with HUD disability regulations.
      g) Adopt grievance procedures for people with disabilities.
      h) Provide proper notices that the agency does not discriminate based on disability.

6) Additional Requirements Applicable Only to Housing Projects:
   a) New housing projects shall be designed and constructed to be readily accessible to and usable by individuals with disabilities in conformance with the City of Las Vegas building code.
   b) Renovation to housing projects shall, to the maximum extent feasible, be made to be readily accessible and usable by individuals with disabilities in conformance with the City of Las Vegas building code. Once five percent (5%) of the dwelling units are readily accessible, additional units do not need to be accessible, but are encouraged.
Housing Opportunities for Persons With AIDS (HOPWA) Program

Consolidated Annual Performance and Evaluation Report (CAPER)
Measuring Performance Outcomes

The HOPWA CAPER report for formula grantees provides annual information on program accomplishments in meeting the program’s performance outcome measure: maintain housing stability; improve access to care; and reduce the risk of homelessness for low-income persons and their families living with HIV/AIDS. This information is also covered under the Consolidated Plan Management Process (CPMP) report and includes Narrative Responses and Performance Charts required under the Consolidated Planning Regulations. The public reporting burden for the collection of information is estimated to average 45 hours per manual response, or less if an automated data collection and retrieval system is in use, along with 68 hours for record keeping, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Grantees are required to report on the activities undertaken only, thus there may be components of these reporting requirements that may not be applicable. This agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless that collection displays a valid OMB control number.
Overview. The Consolidated Annual Performance and Evaluation Report (CAPER) provides annual performance reporting on client outputs and outcomes that enables an assessment of grantee performance in achieving the housing stability outcome measure. The CAPER, in conjunction with the Integrated Disbursement Information System (IDIS), fulfills statutory and regulatory program reporting requirements and provides the grantee and HUD with the necessary information to assess the overall program performance and accomplishments against planned goals and objectives.

HOPWA formula grantees are required to submit a CAPER, and complete annual performance information for all activities undertaken during each program year in the IDIS, demonstrating coordination with other Consolidated Plan resources. HUD uses the CAPER and IDIS data to obtain essential information on grant activities, project sponsors, housing sites, units and households, and beneficiaries (which includes racial and ethnic data on program participants). The Consolidated Plan Management Process tool (CPMP) provides an optional tool to integrate the reporting of HOPWA specific activities with other planning and reporting on Consolidated Plan activities.

The revisions contained within this edition are designed to accomplish the following:

1. Provide for an assessment of unmet need;
2. Streamline reporting sources and uses of leveraged resources;
3. Differentiate client outcomes for temporary/short-term and permanent facility-based assistance;
4. Clarify indicators for short-term efforts and reducing the risk of homelessness; and
5. Clarify indicators for Access to Care and Support for this special needs population.

In addition, grantees are requested to comply with the Federal Funding Accountability and Transparency Act 2006 (Public Law 109-282) which requires federal grant recipients to provide general information for all entities (including subrecipients) receiving $25,000+ in federal funds.

Table of Contents

PART 1: Executive Summary
1. Grantee Information
2. Project Sponsor Information
3. Contractor(s) or Subcontractor(s) Information
   A. Grantee and Community Overview
   B. Annual Performance under the Action Plan
   C. Barriers or Trends Overview
   D. Assessment of Unmet Housing Needs

PART 2: Sources of Leveraging

PART 3: Accomplishment Data

PART 4: Summary of Performance Outcomes

PART 5: Worksheet - Determining Housing Stability Outcomes

PART 6: Certification of Continued Use for HOPWA Facility-Based Stewardship Units (Only)

Continued Use Periods. Grantees that use HOPWA funds for new construction, acquisition, or substantial rehabilitation are required to operate their facilities for ten years for HOPWA-eligible beneficiaries. For the years in which grantees do not receive and expend HOPWA funding for these activities, the grantee must submit an Annual Certification of Continued Project Operation throughout the required use periods. This certification is included in Part 5 in CAPER.

Final Assembly of Report. After the entire report is assembled, please number each page sequentially.

Filing Requirements. Within 90 days of the completion of each program year, grantees must submit their completed CAPER to the CPD Director in the grantee’s State or Local HUD Field Office, and to the HOPWA Program Office: Office of HIV/AIDS Housing, Room 7212, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410.

Definitions: Facility-Based Housing Assistance: All HOPWA housing expenditures which provide support to facilities, including community residences, SRO dwellings, short-term or transitional facilities, project-based units, master leased units, scattered site units leased by the organization, and other housing facilities approved by HUD.

Grassroots Organization: An organization headquartered in the local community where it provides services; has a social services budget of $300,000 or less annually; and six or fewer full-time equivalent employees. Local affiliates of national or larger organizations are not considered “grassroots.”

Housing Assistance Total: The non-duplicated number of households receiving housing subsidies and residing in units of facilities that were dedicated to persons living with HIV/AIDS and their families that were supported with HOPWA or leveraged funds during this operating year.

In-kind Leveraged Resources: These involve additional types of support provided to assist HOPWA beneficiaries such as volunteer services, materials, use of equipment and building space. The actual value of the support can be the contribution of professional services, based on customary rates for this specialized support, or actual costs contributed from other leveraged resources. In determining a rate for the contribution of volunteer time and services, use the rate established in HUD notices, such as the rate of ten dollars per hour. The value of any donated material, equipment, building, or lease should be based on the fair market value at time of donation. Related documentation can be from recent bills of sales, advertised prices, appraisals, or other information for comparable property similarly situated.

Leveraged Funds: The amount of funds expended during the operating year from non-HOPWA federal, state, local, and private sources by grantees or sponsors in dedicating assistance to this client population. Leveraged funds or other assistance used directly in HOPWA program delivery.

Output: The number of units of housing or households that receive HOPWA housing assistance during the operating year.

Outcome: The HOPWA assisted households who have been enabled to establish or better maintain a stable living environment in housing that is safe, decent, and sanitary, (per the regulations at 24 CFR 574.310(b)) and to reduce the risks of homelessness, and improve access to HIV treatment and other health care and support. The goal that eighty percent of HOPWA clients will maintain housing stability, avoid homelessness, and access care by 2011.

Stewardship Units: Units developed, where HOPWA funds were used for acquisition, new construction and rehabilitation, but no longer receive operating subsidies. Project information for the units subject to the three-year use agreement if rehabilitation is non-substantial, and those subject to the ten-year use agreement if rehabilitation is substantial.

Tenant-Based Rental Assistance: (TBRA): An on-going rental housing subsidy for units leased by the client, where the amount is determined based in part on household income and rent costs. Project-based costs are considered facility-based expenditures.

Total by Type of Housing Assistance/Services: The non-duplicated households assisted in units by type of housing assistance dedicated to persons living with HIV/AIDS and their families or services provided that were supported with HOPWA and leveraged funds during the operating year.

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 115
# Housing Opportunities for Persons with AIDS (HOPWA) Consolidated Annual Performance and Evaluation Report - Measuring Performance Outcomes

**Part 1: Grantee Executive Summary**

As applicable, complete the charts below followed by the submission of a written narrative to questions A through C, and the completion of Chart D. Chart 1 requests general grantee information and Chart 2 is to be completed for each organization selected or designated as a project sponsor, as defined by CFR 574.3. In Chart 3, indicate each subrecipient organization with a contract/agreement of $25,000 or greater that assists grantees or project sponsors carrying out their activities. Agreements include: grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and contracts, subcontracts, purchase orders, task orders, and delivery orders. These elements address requirements in the Federal Funding and Accountability and Transparency Act of 2006 (Public Law 109-282).

## 1. Grantee Information

<table>
<thead>
<tr>
<th>HUD Grant Number</th>
<th>Operating Year for this report From (mm/dd/yy)</th>
<th>To (mm/dd/yy)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>07/01/07</td>
<td>06/30/08</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grantee Name</th>
<th>City of Las Vegas</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Business Address</th>
<th>400 Stewart</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>City, County, State, Zip</th>
<th>Las Vegas</th>
<th>Clark</th>
<th>NV</th>
<th>89101</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Employer Identification Number (EIN) or Tax Identification Number (TIN)</th>
<th>DUN &amp; Bradstreet Number (DUNs) if applicable</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Congressional District of Business Address</th>
<th>Congressional District #1</th>
</tr>
</thead>
</table>

| "Congressional District(s) of Primary Service Area(s) | |
|-------------------------------------------------------||

| "Zip Code(s) of Primary Service Area(s) | |
|----------------------------------------||

| "City(ies) and County(ies) of Primary Service Area(s) | |
|--------------------------------------------------------||

| Organization's Website Address | |
|------------------------------||

<table>
<thead>
<tr>
<th>Does your organization maintain a waiting list?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

| Have you prepared any evaluation reports? If so, please indicate the location on an Internet site (url) or attach copy. | |

* Service delivery area information only needed for program activities being directly carried out by the grantees
2. Project Sponsor Information
In Chart 2, provide the following information for each organization designated or selected to serve as a project sponsor, as defined by CFR 574.3.

<table>
<thead>
<tr>
<th>Project Sponsor Agency Name</th>
<th>Parent Company Name, if applicable</th>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Name and Title of Contact at Project Sponsor Agency</th>
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<td></td>
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<table>
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<tr>
<th>Email Address</th>
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<table>
<thead>
<tr>
<th>Business Address</th>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>City, County, State, Zip,</th>
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<table>
<thead>
<tr>
<th>Phone Number (with area codes)</th>
<th>Fax Number (with area code)</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Employer Identification Number (EIN) or Tax Identification Number (TIN)</th>
<th>DUN &amp; Bradstreet Number (DUNs) if applicable</th>
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<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Congressional District of Business Location of Sponsor</th>
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</tbody>
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<table>
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<tr>
<th>Congressional District(s) of Primary Service Area(s)</th>
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<td></td>
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</tbody>
</table>

<table>
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<tr>
<th>Zip Code(s) of Primary Service Area(s)</th>
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</table>

<table>
<thead>
<tr>
<th>City(ies) and County(ies) of Primary Service Area(s)</th>
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<table>
<thead>
<tr>
<th>Total HOPWA contract amount for this Organization</th>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Organization’s Website Address</th>
<th>Does your organization maintain a waiting list?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes □ No □</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the sponsor a nonprofit organization?</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

Please check if yes and a faith-based organization. □
Please check if yes and a grassroots organization. □

Section 3 is not applicable to Las Vegas Project Sponsors, as they do not have subcontracts with CLV HOPWA Funds.

3. Subrecipient Information
In Chart 3, provide the following information for each subrecipient with a contract/agreement of $25,000 or greater that assist the grantee or project sponsors to carry out their administrative or service delivery functions. Agreements include: grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance; and contracts, subcontracts, purchase orders, task orders, and delivery orders. (Organizations listed may have contracts with project sponsors or other organizations beside the grantee.) These elements address requirements in the Federal Funding and Accountability and Transparency Act of 2006 (Public Law 109-282).
A. Grantee and Community Overview
Provide a one to three page narrative summarizing major achievements and highlights that were proposed and completed during the program year. Include a brief description of the grant organization, area of service, the name(s) of the program contact(s), and an overview of the range/type of housing activities provided. This overview may be used for public information, including posting on HUD’s website. *Note: Text fields are expandable.*

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B. ANNUAL PERFORMANCE UNDER THE ACTION PLAN
Provide a narrative addressing each of the following four items:

1. Outputs Reported. Describe significant accomplishments or challenges in achieving the number of housing units supported and the number households assisted with HOPWA funds during this operating year compared to plans for this assistance, as approved in the Consolidated Plan/Action Plan. Describe how HOPWA funds were distributed during your program year among different categories of housing and geographic areas to address needs throughout the grant service area, consistent with approved plans.

2. Outcomes Assessed. Assess program goals against actual client outcomes for achieving housing stability, reducing risks of homelessness, and improving access to care. If current year results are lower than the national program targets (80 percent of HOPWA clients maintain housing stability, avoid homelessness and access care), please describe the steps being taken to achieve the national outcome goal in next operating year.

3. Coordination. Report on program coordination with other mainstream housing and supportive services resources, including the use of committed leveraging from other public and private sources that helped to address needs for eligible persons identified in the Consolidated Plan/Strategic Plan.

4. Technical Assistance. Describe any program technical assistance needs and how they would benefit program beneficiaries.

---

C. BARRIERS AND TRENDS OVERVIEW
Provide a narrative addressing items 1 through 3. Explain how barriers and trends affected your program’s ability to achieve the objectives and outcomes discussed in the previous section.

1. Describe any barriers (including regulatory and non-regulatory) encountered, actions taken in response to barriers, and recommendations for program improvement. Provide an explanation for each barrier selected.

2. Describe any trends in the community that may affect the way in which the needs of persons living with HIV/AIDS are being addressed, and provide any other information important to the future provision of services to this population.

3. Identify any evaluations, studies, or other assessments of the HOPWA program that are available to the public.

---

D. Unmet Housing Needs: An Assessment of Unmet Housing Needs
In Chart 1, provide an assessment of the number of HOPWA-eligible households that require housing assistance but...
are not currently served by HOPWA in this service area.

In Line 1, report the total unmet need of the geographical service area, as reported in Unmet Needs for Persons with HIV/AIDS, Table 1B of the Consolidated or Annual Plan(s), or as reported under HOPWA worksheet in the Needs Workbook of the Consolidated Planning Management Process (CPMP) tool. Note: Report most current data available, through Consolidated or Annual Plan(s), and account for local housing issues, or changes in HIV/AIDS cases, by using combination of one or more of the sources in Chart 2.

In Rows a through c, enter the number of HOPWA-eligible households by type of housing assistance whose housing needs are not met. For an approximate breakdown of overall unmet need by type of housing assistance refer to the Consolidated or Annual Plan(s), CPMP tool or local distribution of funds.

1. Assessment of Unmet Need for HOPWA-eligible Households

| 1. Total number of households that have unmet housing needs | = |
| From Item 1, identify the number of households with unmet housing needs by type of housing assistance | = |
| a. Tenant-Based Rental Assistance (TBRA) | = |
| b. Short-Term Rent, Mortgage and Utility payments (STRMU) | = |
| c. Housing Facilities, such as community residences, SRO dwellings, other housing facilities | = |

2. Recommended Data Sources for Assessing Unmet Need (check all sources used)

| X | = Data as reported in the area Consolidated Plan, e.g. Table 1B, CPMP charts, and related narratives |
|  = Data established by area HIV/AIDS housing planning and coordination efforts, e.g. Continuum of Care |
|  = Data from client information provided in Homeless Management Information Systems (HMIS) |
|  = Data from project sponsors or housing providers, including waiting lists for assistance or other assessments on need |
|  = Data from prisons or jails on persons being discharged with HIV/AIDS, if mandatory testing is conducted |
|  = Data from local Ryan White Planning Councils or reported in CARE Act Data Reports, e.g. number of clients with permanent housing |
|  = Data collected for HIV/AIDS surveillance reporting or other health assessments, e.g. local health department or CDC surveillance data |

End of PART 1
PART 2: Sources of Leveraging

Report the source(s) of cash or in-kind leveraged federal, state, local or private resources identified in the Consolidated or Annual Plan and used in the delivery of the HOPWA program and the amount of leveraged dollars.

<table>
<thead>
<tr>
<th>[1] Sources of Leveraging</th>
<th>Total Amount of Leveraged Dollars (for this operating year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Program Income</td>
<td>-</td>
</tr>
<tr>
<td>2. Federal government (please specify):</td>
<td>-</td>
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<tr>
<td></td>
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<td></td>
<td>-</td>
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<tr>
<td>3. State government (please specify)</td>
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<td>4. Local government (please specify)</td>
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<tr>
<td>5. Foundations and other private cash resources</td>
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<tr>
<td>(please specify)</td>
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<tr>
<td></td>
<td>-</td>
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<tr>
<td></td>
<td>-</td>
</tr>
<tr>
<td>6. In-kind Resources</td>
<td>-</td>
</tr>
<tr>
<td>7. Resident rent payments in Rental, Facilities,</td>
<td>-</td>
</tr>
<tr>
<td>and Leased Units</td>
<td>-</td>
</tr>
<tr>
<td>8. Grantee/project sponsor (Agency) cash</td>
<td>-</td>
</tr>
<tr>
<td>9. TOTAL (Sum of 1-7)</td>
<td>-</td>
</tr>
</tbody>
</table>

End of PART 2
### PART 3: Accomplishment Data - Planned Goal and Actual Outputs

In Chart 1, enter performance information (goals and actual outputs) for all activities undertaken during the operating year supported with HOPWA funds. Performance is measured by the number of households and units of housing that were supported with HOPWA or other federal, state, local, or private funds for the purposes of providing housing assistance and support to persons living with HIV/AIDS and their families. **Note:** The total households assisted with HOPWA funds and reported in PART 3 of the CAPER should be the same as reported in the annual year-end IDIS data, and goals reported should be consistent with the Annual Plan information. Any discrepancies or deviations should be explained in the narrative section of PART 1.

#### 1. HOPWA Performance Planned Goal and Actual Outputs

<table>
<thead>
<tr>
<th>Output Categories</th>
<th>Output Households</th>
<th>Funding</th>
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<tbody>
<tr>
<td></td>
<td>HOPWA Assistance</td>
<td>Non-HOPWA</td>
</tr>
<tr>
<td></td>
<td>a. Goal</td>
<td>c. d.</td>
</tr>
<tr>
<td></td>
<td>b. Actu</td>
<td>e. f.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing Subsidy Assistance</th>
<th>Output Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tenant-Based Rental Assistance</td>
<td></td>
</tr>
<tr>
<td>2a. Households in permanent housing facilities that receive operating subsidies/leased units</td>
<td></td>
</tr>
<tr>
<td>2b. Households in transitional/short-term housing facilities that receive operating subsidies/leased units</td>
<td></td>
</tr>
<tr>
<td>3a. Households in permanent housing facilities developed with capital funds and placed in service during the program year</td>
<td></td>
</tr>
<tr>
<td>3b. Households in transitional/short-term housing facilities developed with capital funds and placed in service during the program year</td>
<td></td>
</tr>
<tr>
<td>4. Short-Term Rent, Mortgage and Utility Assistance</td>
<td></td>
</tr>
<tr>
<td>5. Adjustments for duplication (subtract)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing Development (Construction and Stewardship of facility based housing)</th>
<th>Output Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Facility-based units being developed with capital funding but not opened (show units of housing planned)</td>
<td></td>
</tr>
<tr>
<td>8. Stewardship Units subject to 3 or 10 year use agreements</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Housing Developed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supportive Services</td>
</tr>
<tr>
<td>10a. Supportive Services provided by project sponsors also delivering HOPWA housing assistance</td>
</tr>
<tr>
<td>10b. Supportive Services provided by project sponsors serving households who have other housing arrangements</td>
</tr>
<tr>
<td>11. Adjustment for duplication (subtract)</td>
</tr>
<tr>
<td>12. Total Supportive Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Housing Placement Assistance Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Housing Information Services</td>
</tr>
<tr>
<td>14. Permanent Housing Placement Services</td>
</tr>
<tr>
<td>15. Adjustment for duplication</td>
</tr>
<tr>
<td>16. Total Housing Placement Assistance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant Administration and Other Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Resource Identification to establish, coordinate and develop housing assistance resources</td>
</tr>
<tr>
<td>18. Technical Assistance (if approved in grant agreement)</td>
</tr>
<tr>
<td>19. Grantee Administration (maximum 3% of total HOPWA grant)</td>
</tr>
<tr>
<td>20. Project Sponsor Administration (maximum 7% of portion of HOPWA grant awarded)</td>
</tr>
</tbody>
</table>

| Total Expenditures for program year (Sum of rows 6, 9, 12, 16, and 20) |
2. Listing of Supportive Services
Report on the use of HOPWA funds for all supportive services. In Rows 1 through 16, provide the (unduplicated) total of all households and expenditures for each type of supportive service for all project sponsors.

<table>
<thead>
<tr>
<th>Supportive Services</th>
<th>Number of Households Receiving HOPWA Assistance</th>
<th>Amount of HOPWA Funds Expended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adult day care and personal assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Alcohol and drug abuse services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Case management/client advocacy/ access to benefits &amp; services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Child care and other child services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Employment assistance and training</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Health/medical/intensive care services, if approved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: Client records must conform with 24 CFR §574.310</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Legal services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Life skills management (outside of case management)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Meals/nutritional services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Mental health services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Outreach</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. Transportation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. Other Activity (if approved in grant agreement). Specify:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15. Adjustment for Duplication (subtract)</td>
<td><strong>---------</strong></td>
<td></td>
</tr>
<tr>
<td>16. TOTAL Households receiving Supportive Services (unduplicated)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

End of PART 3
**Part 4: Summary of Performance Outcomes**

HOPWA Long-term Performance Objective: Eighty percent of HOPWA clients will maintain housing stability, avoid homelessness, and access care each year through 2011.

**Section 1. Housing Stability: Assessment of Client Outcomes on Maintaining Housing Stability (Permanent Housing and Related Facilities)**

In Column 1, report the total number of eligible households that received HOPWA housing assistance, by type. In Column 2, enter the number of households continuing to access each type of housing assistance, the following year. In Column 3, report the housing status of all households that exited the program. Columns 2 (Number of Households Continuing) and 3 (Exited Households) summed will equal the total households reported in Column 1. **Note: Refer to the housing stability codes that appear in Part 5: Worksheet - Determining Housing Stability Outcomes.**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant-Based Rental Assistance</td>
<td></td>
<td></td>
<td>1 Emergency Shelter/Streets</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 Temporary Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 Private Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4 Other HOPWA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5 Other Subsidy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6 Institution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7 Jail/Prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 Disconnected/Unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9 Death</td>
</tr>
<tr>
<td>Permanent Supportive Housing</td>
<td></td>
<td></td>
<td>1 Emergency Shelter/Streets</td>
</tr>
<tr>
<td>Facilities/Units</td>
<td></td>
<td></td>
<td>2 Temporary Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 Private Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4 Other HOPWA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5 Other Subsidy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6 Institution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7 Jail/Prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 Disconnected/Unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9 Death</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistance</td>
<td></td>
<td>Total number of households that will continue in residences:</td>
<td>1 Emergency Shelter/Streets</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total number of households whose tenure exceeded 24 months:</td>
<td>2 Temporary Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 Private Housing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4 Other HOPWA</td>
</tr>
<tr>
<td>Transitional/Short-Term Supportive Facilities/Units</td>
<td>=</td>
<td>=</td>
<td>5 Other Subsidy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6 Institution</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7 Jail/Prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8 Disconnected/unknown</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9 Death</td>
</tr>
</tbody>
</table>
Section 2. Prevention of Homelessness: Assessment of Client Outcomes on Reduced Risks of Homelessness
(Short-Term Housing Assistance)
Report the total number of households that received STRMU assistance in Column 1. In Column 2, identify the result of the housing assessment made at time of assistance, or updated in the operating year. (Column 3 provides a description of housing outcomes; therefore, data is not required.) In Row 1a, enter the total number of households served in the prior operating year that received STRMU assistance this year. In Row 1b, enter the total number of households that received STRMU Assistance in the 2 prior operating years that received STRMU assistance this year. Note: The sum of Column 2 should equal the number of households reported in Column 1.

Assessment of Households receiving STRMU Assistance

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Private Housing without subsidy (e.g. Assistance provided/completed and client is stable, not likely to seek additional support)</td>
<td>Stable/Permanent Housing (PH)</td>
<td></td>
</tr>
<tr>
<td>Other Private Housing without subsidy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other HOPWA support (PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other housing subsidy (PH)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institution (e.g. residential and long-term care)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likely to maintain current housing arrangements, with additional STRMU assistance</td>
<td>Temporarily Stable, with Reduced Risk of Homelessness</td>
<td></td>
</tr>
<tr>
<td>Transitional Facilities/Short-term (e.g. temporary or transitional arrangement)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary/non-permanent Housing arrangement (e.g. gave up lease, and moved in with family or friends but expects to live there less than 90 days)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Shelter/street</td>
<td>Unstable Arrangements</td>
<td></td>
</tr>
<tr>
<td>Jail/Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disconnected</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Death</td>
<td>Life Event</td>
<td></td>
</tr>
</tbody>
</table>

1a. Total number of households that received STRMU assistance in the prior operating year, that also received STRMU assistance in the current operating year.

1b. Total number of those households that received STRMU assistance in the two (2 years ago) prior operating years, that also received STRMU assistance in the current operating year.
Section 3. HOPWA Outcomes on Access to Care and Support

1A. Status of Households Accessing Care and Support by Project Sponsors Delivering HOPWA Housing Assistance/Housing Placement/Case Management

Use Table 1A for project sponsors that provide HOPWA housing assistance/housing placement with or without case management services. In Table 1A, identify the number of client households receiving any type of HOPWA housing assistance that demonstrated improved access or maintained connections to care and support within the program year by: having a housing plan; having contact with a case manager/benefits counselor; visiting a primary health care provider; accessing medical insurance/assistance; and accessing or qualifying for income benefits. Note: For information on types and sources of income and medical insurance/assistance, refer to Charts 1C and 1D.

<table>
<thead>
<tr>
<th>Categories of Services Accessed</th>
<th>Households Receiving Housing Assistance within the Operating Year</th>
<th>Outcome Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has a housing plan for maintaining or establishing stable on-going housing.</td>
<td></td>
<td>Support for Stable Housing</td>
</tr>
<tr>
<td>2. Has contact with case manager/benefits counselor consistent with the schedule specified in client’s individual service plan.</td>
<td></td>
<td>Access to Support</td>
</tr>
<tr>
<td>3. Had contact with a primary health care provider consistent with the schedule specified in client’s individual service plan.</td>
<td></td>
<td>Access to Health Care</td>
</tr>
<tr>
<td>4. Has accessed and can maintain medical insurance/assistance.</td>
<td></td>
<td>Access to Health Care</td>
</tr>
<tr>
<td>5. Successfully accessed or maintained qualification for sources of income.</td>
<td></td>
<td>Sources of Income</td>
</tr>
</tbody>
</table>

1B. Number of Households Obtaining Employment

In Table 1B, identify the number of recipient households that include persons who obtained an income-producing job during the operating year that resulted from HOPWA funded: job training, employment assistance, education or related case management/counseling services. Note: This includes jobs created by this project sponsor or obtained outside this agency.

<table>
<thead>
<tr>
<th>Categories of Services Accessed</th>
<th>Number of Households that Obtained Employment</th>
<th>Outcome Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of households that obtained an income-producing job</td>
<td></td>
<td>Sources of Income</td>
</tr>
</tbody>
</table>

Chart 1C: Sources of income include, but are not limited to the following (Reference only)

- Earned Income
- Unemployment Insurance
- Supplemental Security Income (SSI)
- Social Security Disability Income (SSDI)
- Veteran’s Disability Payment
- General Assistance, or use local program name
- Temporary Assistance for Needy Families (TANF) income, or use local program name
- Veteran’s Pension
- Pension from Former Job
- Child Support
- Alimony or Other Spousal Support
- Retirement Income from Social Security
- Private Disability Insurance
- Worker’s Compensation

Chart 1D: Sources of medical insurance and assistance include, but are not limited to the following (Reference only)

- MEDICAID Health Insurance Program, or local program name
- Veterans Affairs Medical Services
- State Children’s Health Insurance Program (SCHIP), or local program name
- MEDICARE Health Insurance Program, or local program name
- AIDS Drug Assistance Program (ADAP)
- Ryan White-funded Medical or Dental Assistance

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09)
2A. Status of Households Accessing Care and Support through HOPWA-funded Services receiving Housing Assistance from Other Sources

In Table 2A, identify the number of client households served by project sponsors receiving HOPWA-funded housing placement or case management services who have other and housing arrangements that demonstrated improved access or maintained connections to care and support within the program year by: having a housing plan; having contact with a case manager/benefits counselor; visiting a primary health care provider; accessing medical insurance/assistance; and accessing or qualifying for income benefits. Note: For information on types and sources of income and medical insurance/assistance, refer to Charts 2C and 2D.

<table>
<thead>
<tr>
<th>CATEGORIES OF SERVICES ACCESSED</th>
<th>HOUSEHOLDS RECEIVING HOPWA ASSISTANCE WITHIN THE OPERATING YEAR</th>
<th>OUTCOME INDICATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Has a housing plan for maintaining or establishing stable on-going housing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Successfully accessed or maintained qualification for sources of income.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Had contact with a primary health care provider consistent with the schedule specified in client’s individual service plan.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Has accessed and can maintain medical insurance/assistance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Has contact with case manager, benefits counselor, or housing counselor consistent with the schedule specified in client’s individual service plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2B. Number of Households Obtaining Employment

In Table 2B, identify the number of recipient households that include persons who obtained an income-producing job during the operating year that resulted from HOPWA funded: job training, employment assistance, education or related case management/counseling services. Note: This includes jobs created by this project sponsor or obtained outside this agency.

<table>
<thead>
<tr>
<th>CATEGORIES OF SERVICES ACCESSED</th>
<th>NUMBER OF HOUSEHOLDS THAT OBTAINED EMPLOYMENT</th>
<th>OUTCOME INDICATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of households that obtained an income-producing job</td>
<td></td>
<td>Sources of Income</td>
</tr>
</tbody>
</table>

Chart 2C: Sources of income include, but are not limited to the following (Reference only)

- Earned Income
- Unemployment Insurance
- Supplemental Security Income (SSI)
- Social Security Disability Income (SSDI)
- Veteran’s Disability Payment
- General Assistance, or use local program name
- Temporary Assistance for Needy Families (TANF) income, or use local program name
- Veteran’s Pension
- Pension from Former Job
- Child Support
- Alimony or Other Spousal Support
- Retirement Income from Social Security
- Private Disability Insurance
- Worker’s Compensation

Chart 2D: Sources of medical insurance and assistance include, but are not limited to the following (Reference only)

- MEDICAID Health Insurance Program, or local program name
- Veterans Affairs Medical Services
- State Children’s Health Insurance Program (SCHIP), or local program name
- MEDICARE Health Insurance Program, or local program name
- AIDS Drug Assistance Program (ADAP)
- Ryan White-funded Medical or Dental Assistance

End of PART 4
PART 5: Worksheet - Determining Housing Stability Outcomes

1. This chart is designed to assess program results based on the information reported in Part 4.

<table>
<thead>
<tr>
<th>Permanent Housing Assistance</th>
<th>Stable Housing (# of households remaining in program plus 3+4+5+6=#)</th>
<th>Temporary Housing (2)</th>
<th>Unstable Arrangements (1+7+8=#)</th>
<th>Life Event (9)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant-Based Rental Assistance (TBRA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent Facility-based Housing Assistance/Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transitional/Short-Term Facility-based Housing Assistance/Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Permanent HOPWA Housing Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reduced Risk of Homelessness: Short-Term Assistance</th>
<th>Stable/Permanent Housing</th>
<th>Temporarily Stable, with Reduced Risk of Homelessness</th>
<th>Unstable Arrangements</th>
<th>Life Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-Term Rent, Mortgage, and Utility Assistance (STRMU)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total HOPWA Housing Assistance</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| | | | | |
| | | | | |
| | | | | |
| | | | | |
Background on HOPWA Housing Stability Codes

Stable Permanent Housing/Ongoing Participation
3 = Private Housing in the private rental or home ownership market (without known subsidy, including permanent placement with families or other self sufficient arrangements) with reasonable expectation that additional support is not needed.
4 = Other HOPWA-funded housing assistance (not STRMU), e.g. TBRA or Facility-Based Assistance.
5 = Other subsidized house or apartment (non-HOPWA sources, e.g., Section 8, HOME, public housing).
6 = Institutional setting with greater support and continued residence expected (e.g., residential or long-term care facility).

Temporary Housing
2 = Temporary housing - moved in with family/friends or other short-term arrangement, such as Ryan White subsidy, transitional housing for homeless, or temporary placement in institution (e.g., hospital, psychiatric hospital or other psychiatric facility, substance abuse treatment facility or detox center).

Unstable Arrangements
1 = Emergency shelter or no housing destination such as places not meant for habitation (e.g., a vehicle, an abandoned building, bus/train/subway station, or anywhere outside).
7 = Jail /prison.
8 = Disconnected or disappeared from project support, unknown destination or no assessments of housing needs were undertaken.

Life Event
9 = Death, i.e., remained in housing until death. This characteristic is not factored into the housing stability equation.

Tenant-based Rental Assistance: Stable Housing is the sum of the number of households that (i) remain in the housing and (ii) those that left the assistance as reported under: 3, 4, 5, and 6. Temporary Housing is the number of households that accessed assistance, and left their current housing for a non-permanent housing arrangement, as reported under item: 2. Unstable Situations is the sum of numbers reported under items: 1, 7, and 8.

Permanent Facility-Based Housing Assistance: Stable Housing is the sum of the number of households that (i) remain in the housing and (ii) those that left the assistance as shown as items: 3, 4, 5, and 6. Temporary Housing is the number of households that accessed assistance, and left their current housing for a non-permanent housing arrangement, as reported under item 2. Unstable Situations is the sum of numbers reported under items: 1, 7, and 8.

Transitional/Short-Term Facility-Based Housing Assistance: Stable Housing is the sum of the number of households that (i) continue in the residences (ii) those that left the assistance as shown as items: 3, 4, 5, and 6. Other Temporary Housing is the number of households that accessed assistance, and left their current housing for a non-permanent housing arrangement, as reported under item 2. Unstable Situations is the sum of numbers reported under items: 1, 7, and 8.

Tenure Assessment. A baseline of households in transitional/short-term facilities for assessment purposes, indicate the number of households whose tenure exceeded 24 months.

STRMU Assistance: Stable Housing is the sum of the number of households that accessed assistance for some portion of the permitted 21-week period and there is reasonable expectation that additional support is not needed in order to maintain permanent housing living situation (as this is a time-limited form of housing support) as reported under housing status: Maintain Private Housing with subsidy; Other Private with Subsidy; Other HOPWA support; Other Housing Subsidy; and Institution. Temporarily Stable, with Reduced Risk of Homelessness is the sum of the number of households that accessed assistance for some portion of the permitted 21-week period or left their current housing arrangement for a transitional facility or other temporary/non-permanent housing arrangement and there is reasonable expectation additional support will be needed to maintain housing arrangements in the next year, as reported under housing status: Likely to maintain current housing arrangements, with additional STRMU assistance; Transitional Facilities/Short-term; and Temporary/Non-Permanent Housing arrangements Unstable Situation is the sum of number of households reported under housing status: Emergency Shelter; Jail/Prison; and Disconnected.

End of PART 5
PART 6: Certification of Continued Usage for HOPWA Facility-Based Stewardship Units (ONLY)

Grantees that use HOPWA funding for new construction, acquisition, or substantial rehabilitation are required to operate their facilities for HOPWA eligible individuals for at least ten years. If non-substantial rehabilitation funds were used they are required to operate for at least three years. Stewardship begins once the facility is put into operation. This Annual Certification of Continued HOPWA Project Operations is to be used in place of other sections of the APR, in the case that no additional HOPWA funds were expended in this operating year at this facility that had been acquired, rehabilitated or constructed and developed in part with HOPWA funds.

1. General information

<table>
<thead>
<tr>
<th>HUD Grant Number(s)</th>
<th>Operating Year for this report</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>From (mm/dd/yy) To (mm/dd/yy)</td>
</tr>
<tr>
<td></td>
<td>Yr 1; Yr 2; Yr 3; Yr 4; Yr 5; Yr 6;</td>
</tr>
<tr>
<td></td>
<td>Yr 7; Yr 8; Yr 9; Yr 10;</td>
</tr>
</tbody>
</table>

| Grantee Name | Date Facility Began Operations (mm/dd/yy) |

2. Number of Units and Leveraging

<table>
<thead>
<tr>
<th>Housing Assistance</th>
<th>Number of Units Receiving Housing Assistance with HOPWA funds</th>
<th>Amount of Leveraging from Other Sources Used during the Operating Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stewardship units (developed with HOPWA funds but no current operations or other HOPWA costs) subject to 3 or 10 year use periods</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Details of Project Site

| Name of HOPWA-funded project site | |
|-----------------------------------| |
| Project Zip Code(s) and Congressional District(s) | |
| Is the address of the project site confidential? | Yes, protect information; do not list. |
| | Not confidential; information can be made available to the public. |
| If the site address is not confidential, please provide the contact name, phone, email, and physical address, if different from business address. | |

I certify that the facility that received assistance for acquisition, rehabilitation, or new construction from the Housing Opportunities for Persons with AIDS Program has operated as a facility to assist HOPWA-eligible persons from the date shown above. I also certify that the grant is still serving the planned number of HOPWA-eligible households at this facility through leveraged resources and all other requirements of the grant agreement are being satisfied.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

<table>
<thead>
<tr>
<th>Name &amp; Title of Authorized Official</th>
<th>Signature &amp; Date (mm/dd/yy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name &amp; Title of Contact at Grantee Agency</td>
<td>Contact Phone (with area code)</td>
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</table>

End of PART 6
APPENDIX I

[Code of Federal Regulations]
[Title 24, Volume 3]
[Revised as of April 1, 2002]
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TITLE 24--HOUSING AND URBAN DEVELOPMENT

CHAPTER V--OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND
DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PART 574--HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Subpart A--General

Sec.
574.3 Definitions.

Subpart B--Formula Entitlements

574.100 Eligible applicants.
574.110 Overview of formula allocations.
574.120 Responsibility of applicant to serve EMSA.
574.130 Formula allocations.
574.190 Reallocation of grant amounts.

Subpart C--Competitive Grants

574.200 Amounts available for competitive grants.
574.210 Eligible applicants.
574.240 Application requirements.
574.260 Amendments.

Subpart D--Uses of Grant Funds

574.300 Eligible activities.
574.310 General standards for eligible housing activities.
574.320 Additional standards for rental assistance.
574.330 Additional standards for short-term supported housing.
574.340 Additional standards for community residences.

Subpart E--Special Responsibilities of Grantees and Project Sponsors

574.400 Prohibition of substitution of funds.
574.410 Capacity.
574.420 Cooperation.
574.430 Fee prohibitions.
574.440 Confidentiality.
574.450 Financial records.
Subpart F--Grant Administration

574.500 Responsibility for grant administration.
574.510 Environmental procedures and standards.
574.520 Performance reports.
574.530 Recordkeeping.
574.540 Deobligation of funds.

Subpart G--Other Federal Requirements

574.600 Cross-reference.
574.603 Nondiscrimination and equal opportunity.
574.605 Applicability of OMB circulars.
574.625 Conflict of interest.
574.630 Displacement, relocation and real property acquisition.
574.635 Lead-based paint.
574.640 Flood insurance protection.
574.645 Coastal barriers.
574.650 Audit.
574.655 Wage rates.

Subpart A--General

Sec. 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 Sec. 574.100 or a State, unit of general local government, or a nonprofit organization applying for a competitive grant as described under Sec. 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 Sec. 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 Sec. 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** means a household composed of two or more related persons. The term family also includes one or more eligible persons living with another person or persons who are determined to be important to their 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 24 CFR 85.36.

**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.
Subpart B--Formula Entitlements

Sec. 574.100 Eligible applicants.

(a) Eligible States and qualifying cities, as defined in Sec. 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.

Sec. 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 Sec. 574.130(b)).

Sec. 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.

Sec. 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 Sec. 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.

Sec. 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 Sec. 574.540 will be added to the funds available for formula allocations in the next fiscal year.

Subpart C--Competitive Grants

Sec. 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 Sec. 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.

Sec. 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 Sec. 574.100; may apply for grants for other projects as described in Sec. 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.

Sec. 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.
Sec. 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 Sec. 574.510.

Subpart D--Uses of Grant Funds

Sec. 574.300 Eligible activities.

(a) General. Subject to applicable requirements described in Secs. 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 Sec. 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 counseling for eligible persons who may encounter discrimination on the basis of race, color, religion, sex, age, national origin, familial status, or handicap;

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) Limitations of assistance to primarily religious organizations—
   (1) Provision of assistance.
      (i) Assistance may be provided under this part by a grantee to a project sponsor that is a primarily religious organization if the primarily religious organization agrees to provide all eligible activities under this program in a manner that is free from religious influences and in accordance with the following principles:
         (A) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion.
         (B) It will not discriminate against any person applying for any of the eligible activities under this part on the basis of religion and will not limit such housing or other eligible activities or give preference to persons on the basis of religion.
         (C) It will provide no religious instruction or counseling, conduct no religious services or worship, engage in no religious proselytizing, and exert no other religious influence in the provision of eligible activities under this part.
      (ii) Assistance will not be provided to a project sponsor that is a primarily religious organization to construct or acquire a structure. Assistance may be provided to a project sponsor that is a primarily religious organization to rehabilitate or convert a structure owned by the organization, only as described in paragraph (c)(2) of this section.

   (2) Rehabilitation or conversion of structures owned by primarily religious organizations. Grant amounts may be used to rehabilitate or convert a structure that is owned by a primarily religious organization, only if:
      (i) The structure (or portion thereof) that is to be rehabilitated or converted with HUD assistance has been leased to an existing or newly established wholly secular organization (which may be established by the religious organization under the provisions of paragraph (c)(3) of this section).
      (ii) The HUD assistance is provided to the secular organization (and not the religious organization) to make the improvements.
(iii) The leased structure will be used exclusively for secular purposes available to all persons regardless of religion.
(iv) The lease payments paid to the primarily religious organization do not exceed the fair market rent for the structure before the rehabilitation or conversion was done.
(v) The portion of the cost of any improvements that benefit any unleased portion of the structure will be allocated to, and paid for by, the religious organization.
(vi) The primarily religious organization agrees that if the secular organization does not retain the use of the leased premises for wholly secular purposes for the useful life of the improvements, the primarily religious organization will pay an amount equal to the residual value of the improvements to the original grantee from which the amounts used to rehabilitate or convert the building were derived. While the original grantee is expected to use this amount for eligible HOPWA activities, there is no requirement that funds received after the close of the grant period be used in accordance with the requirements of this part.

(3) Assistance to a wholly secular private nonprofit organization established by a primarily religious organization.

(i) A primarily religious organization may establish a wholly secular private nonprofit organization to serve as a project sponsor. The secular organization may be eligible to receive all forms of assistance available under this part.
(ii) The secular organization must agree to provide eligible activities under this part in a manner that is free from religious influences and in accordance with the principles set forth in paragraph (c)(1)(i) of this section.
(iii) The secular organization may enter into a contract with the religious organization to operate the housing assistance, supportive services and other eligible activities for the project. In such a case, the religious organization must agree in the contract to carry out its contractual responsibilities in a manner free from religious influences and in accordance with the principles set forth in paragraph (c)(1)(i) of this section.
(iv) The rehabilitation or conversion of structures are subject to the requirements of paragraph (c)(2) of this section.


Sec. 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 Sec. 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 Sec. 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 Sec. 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. 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)


Sec. 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 Sec. 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.
Sec. 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 Sec. 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]

Sec. 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 Sec. 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 Sec. 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.


Subpart E--Special Responsibilities of Grantees and Project Sponsors

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Subpart F--Grant Administration

Sec. 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 24 CFR 85.43. A grantee will be provided an opportunity for informal consultation before HUD will exercise any remedies authorized in paragraph (a) of that section.

Sec. 574.510 Environmental procedures and standards.

Before any amounts under this program are used to acquire, rehabilitate, convert, lease, repair or construct properties to provide housing, HUD shall perform a review in accord with 24 CFR part 50, which implements the National Environmental Policy Act and the related Federal environmental laws and authorities listed under 24 CFR 50.4. In performing its environmental review, HUD may use previously issued environmental reviews prepared by other local, State, or federal agencies for the proposed property. The grantee will cooperate in providing these documents. HUD must, however, conduct the environmental analysis and prepare the environmental review and be responsible for the required environmental findings. An environmental assurance shall be provided by an applicant for formula allocations or competitive awards in accordance with 24 CFR 50.3(i).

[61 FR 7963, Feb. 29, 1996]

Sec. 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, and any other information that HUD may require. Annual reports are required until all grant funds are expended.

[60 FR 1918, Jan. 5, 1995]

Sec. 574.530 Recordkeeping.

Each grantee must ensure that records are maintained for a four-year period to document compliance with the provisions of this part. Grantees must maintain current and accurate data on the race and ethnicity of program participants.

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

Sec. 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]

Sec. 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).


(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.


Sec. 574.605 Applicability of OMB circulars.

The policies, guidelines, and requirements of 24 CFR part 85 (codified pursuant to OMB Circular No. A-102) and OMB Circular No. A-87 apply with respect to the acceptance and use of funds under the program by States and units of general local government, including public agencies, and Circulars Nos. A-110 and A-122 apply with respect to the acceptance and use of funds under the program by private non-profit entities. (Copies of OMB Circulars may be obtained from E.O.P. Publications, room 2200, New Executive Office Building, Washington, DC 20503, telephone (202) 395-7332. (This is not a toll-free number.) There is a limit of two free copies.

Sec. 574.625 Conflict of interest.

(a) In addition to the conflict of interest requirements in OMB Circular A-102 and 24 CFR 85.36(b)(3), 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 decisionmaking 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.

Sec. 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.

City of Las Vegas NSD Project Sponsor Program Manual for HOPWA (revised 04/09) 144
(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.
Sec. 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]

Sec. 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.).

Sec. 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.

Sec. 574.650 Audit.

The financial management system used by a State or unit of general local government that is a grantee must provide for audits in accordance with 24 CFR part 44. A nonprofit organization that is a grantee or a project sponsor is subject to the audit requirements set forth in 24 CFR part 45.

Sec. 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]
APPENDIX J

SUMMARY OF O.M.B. CIRCULAR A-122

“Cost Principles for Non-Profit Organizations

A. Basic Considerations - To be allowable, costs must meet the following general criteria:
   ❖ Costs must be reasonable:
   ❖ Recognized as ordinary and necessary.
   ❖ Arms length transactions.
   ❖ Individuals concerned acted with prudence.
   ❖ Not deviating from established practices of the organization.
   ❖ Costs must be allocated to the grant, project, etc. in accordance with benefits received:
     1. Incurred specifically for the award.
     2. Benefits both award and other work and can be reasonably distributed in proportion to benefits received.
     3. Necessary to overall operation - if no direct relationship to award can be shown.

B. Direct Costs
   a. Can be identified specifically with a particular grant, award, project, etc.
   b. Direct costs of minor amounts may be treated as indirect.
   c. Unallowable costs may be treated as direct costs for computation of overhead rates.

C. Indirect Costs
   Costs that have been incurred for common objectives but cannot be readily identified with a particular grant, award project, etc. Only applicable with a HUD certified cost allocation plan.

D. Allocation of Indirect Costs
   a. Simplified Method
      1. Used when major functions benefit from indirect costs to approximately the same degree.
      2. Distribution base may be total direct costs, direct salaries or other equitable distribution base.
      b. Multiple allocation base method:
         1. Used when major functions benefit in varying degrees from indirect costs.
         2. Costs separated into distinct groupings. Each grouping then allocated to benefiting functions by means of base which best measures relative results.

E. Selected Items of Cost
   a. Advertising - only advertising costs allowable are those associated with:
      a. Recruitment of personnel.
      b. Procurement of goods.
      c. Disposal of surplus materials.
   b. Alcoholic Beverages, unallowable.
   c. Bad debts - unallowable.
   d. Bonding costs - allowable.
   e. Communication costs - allowable.
   f. Compensation for personal services:
      a. Includes salaries, wages, incentive awards, fringe benefits, pension plan costs, location allowances and cost of, living differentials.
      b. Allowable provided they are reasonable.
c. May be direct or indirect. Fringe benefits in the form of vacation, sick pay, holidays, and authorized absences are allowable provided they are absorbed by all organization activities in proportion to relative time or effort devoted to each.

d. Fringe benefits in the form of social security, employee insurance, workmen’s compensation, pension plans, etc. Are allowable provided they are distributed in accordance with salaries and wages chargeable to particular awards and activities.

e. Charges to award for salaries and wages must be supported by documented, approved payroll records:

   * Distribution must be supported by personnel activity reports (time sheets).
   * Time sheets must be maintained by all personnel whose compensation in whole, or in part, is charged to government awards.
   * Time sheets must reflect after-the-fact determination of actual activity of each employee.
   * Each time sheet must account for employee’s total time.
   * Time sheets must indicate total number of hours worked each day.
   * Time sheets must be signed by employee and approved by supervisor.
   * Time sheets must be prepared at least monthly and coincide with one or more payrolls.

7. Contingency reserves - unallowable
8. Contributions - unallowable
9. Depreciation - allowable
10. Donated services:
   * Not reimbursable.
   * May be used in overhead computations in allocating indirect costs.
11. Employee moral, health, and welfare costs - allowable as indirect cost.
13. Equipment and other capital expenditures:
   a. Equipment - Personal property with a useful life of more than 1 year costing $5000 or more per unit.
      i. Special purpose equipment - usable only for research, medical, scientific or technical activities - allowable as direct cost with prior approval of items costing over $5,000.
      ii. General purpose equipment - usable for other purposes
         a. Unallowable as direct costs.
         b. Depreciation allowable as indirect costs.
         c. Land, buildings or improvements.
   a. Unallowable as direct costs.
   b. Depreciation allowable as indirect costs.
15. Idle facilities and idle capacity - unallowable.
16. Insurance and indemnification - allowable.
17. Interest, fund raising, and investment management costs - unallowable.
18. Labor relations costs - allowable
19. Losses on other awards - unallowable
20. Maintenance and repair costs - allowable
21. Materials and supplies - allowable
22. Meetings, conferences - allowable provided they do not involve entertainment costs
23. Membership, subscriptions and professional activity costs- allowable
24. Organization costs (incorporation fees, attorneys, accountants etc. in connection with establishment or reorganization of organization) – allowable
25. Overtime, premium pay - allowable as direct costs with prior approval.
26. Page charges in professional journals - (e-mail publications) - allowable
27. Participant support costs - allowable as direct costs with prior approval
28. Patent costs - allowable only if required by award.
29. Pre-award costs - allowable only with written approval.
30. Professional Service costs - allowable when reasonable in relation to services and not contingent upon recovery from government. In determining allowability, certain factors are relevant:
   i. Nature and scope of service in relation to service required.
   ii. Necessity of contracting for service vs. Organization’s own capability.
   iii. Past patterns of costs.
   iv. Impact of government awards.
   v. If proportion of government work to total organization work, justify incurring cost.
   vi. Can service be performed more economically by hiring employee.
   vii. Qualifications of individual performing service.
   viii. Adequacy of contractual agreement.
   ix. Retainer fees must be supported by evidence of services available.

31. Profits and losses on sale or retirement of depreciable property:
   i. Allowable - charge or credit must be included in cost grouping where depreciation was applicable.

32. Public information service costs - (pamphlets, new releases and other forms of disseminating information):
   31. Allowable as direct costs with prior approval.
   32. Allowable as indirect costs.

33. Publication and printing costs:
   a. Allowable as direct costs with prior approval.
   b. Allowable as indirect costs.

34. Rearrangement and alteration costs - allowable with prior approval.

35. Reconversion costs - (restoration or rehabilitation cost) - allowable with prior approval.

36. Recruiting costs - allowable.

37. Relocation costs - (employee relocation) allowable within certain limitations.

38. Rental costs - allowable within certain limitations.

39. Royalties and other costs for user of patents and copyrights - allowable.

40. Severance Pay - allowable to the extent required by:
   a. Law
   b. Employer-employee agreement
   c. Established policy
   d. Circumstances of particular employment

41. Specialized service facilities - allowable within certain limitations.

42. Taxes - allowable unless exemptions from taxes are available.

43. Termination costs - (costs in connection with termination of award):
   a. For common items reasonably usable on organization’s other work - allowable.
   b. Cost continuing after termination - allowable only if cannot be discontinued despite all reasonable efforts.
   c. Loss of value of special tooling etc. - allowable.
   d. Settlement expenses - generally allowable

44. Training and education costs - allowable

45. Transportation costs (related to goods purchases) - allowable

46. Travel costs:
   a. Airline travel allowable except first-class.
   b. Foreign travel allowable only with prior approval. Each separate trip must be approved.
SUMMARY OF OMB CIRCULAR A-110

Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations

BONDING INSURANCE
1. The basic rule is that the government will not require additional insurance or bonding, but will follow the agency’s practice.
2. For construction grants over $100,000
   a. If federal oversight agency determines that the government’s interest is protected then the agency’s policies and procedures are acceptable.
   b. If determination is made that government’s interests are not protected the government will require bonding.

RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS
1. In general, financial records, supporting documents, statistical records, and any other pertinent records must be retained for three years from date of final expense report.
2. Authorization needed to use microfilm or fiche.
3. The government’s duly authorized representative may audit, examine, excerpt, or transcribe any of this information.

PROGRAM INCOME
1. Agencies are required to account for program income.
2. Program income is gross income earned by the agency from federally supported activities, and includes, but is not limited to, rental fees, service fees and sales of equipment.
3. Program income can be retained by the agency, with approval, and:
   a. Added to the project to be used to further the program objectives,
   b. Used to finance the non-federal share of the project (requires approval), and
   c. Deducted from the total project costs when determining the federal share of the project.

D. COST SHARING AND MATCHING
1. Cost sharing and matching represents that portion of the project or program not borne by the Agency.
2. Cost sharing or matching may consist of:
   a. Project costs incurred by the agency.
   b. Costs financed from non-federal sources such as contributions and donations.
   c. Project costs represented by services, and real or personal property or use thereof from non-federal sources (a.k.a. “In Kind” contributions).
3. In order to be allowable as cost sharing or matching the following criteria must be met:
   a. There must be verifiable records.
   b. Should not be included as a contribution for any other federally-assisted program.
   c. Cost must be necessary and reasonable.
   d. Must be allowable under O.M.B. Circular A-122 and the contract.
   e. Costs are not paid for by federal government under another assistance program.
   f. Costs are provided for in the approved budget.
4. Valuation of in-kind contributions should be based on applicable cost principles.
   a. Value of services should be consistent with those paid for similar work.
   b. Value of property must be at fair market value.
   c. Volunteer services must be documented.
   d. Basis for determining the value of personal services, material, equipment, land and buildings must be documented.
FINANCIAL MANAGEMENT SYSTEMS
1. Agency’s financial management system must provide for:

   a. Accurate, current, and complete disclosure of each project or program.
   b. Documentation of source and applicability of funds for federally sponsored activities.
   c. Control and accountability for all funds including safeguards to assure they are used only for authorized purpose.
   d. Comparison of actual outlays with budget amounts for each grant or agreement.
   e. Procedures to minimize elapsed time between receipts of funds and outlay.
   f. Procedures to determine reasonableness, allowability and allocability of costs in accordance with federal cost principles and terms of grant agreement.
   g. Accounting records supported by source documents.
   h. Examination by independent audit.

MONITORING AND REPORTING PROGRAM PERFORMANCE
1. Agencies must monitor and report on technical performance (programmatic) through a report which presents:

   a. Comparison of actual accomplishments to goals.
   b. Findings of investigator if appropriate.
   c. Reasons why goals were not met.
   d. Other pertinent data.

2. Problems or favorable developments should be reported promptly. This includes changes in budgetary needs.

G. REVISION OF FINANCIAL PLANS
1. Agencies are required to immediately report deviations from financial plans and to request approval for financial plan revisions involving:

   a. A change in scope or objective.
   b. The need for additional federal funds.
   c. Other rebudgeting changes.

2. None of the substantive programmatic work under the grant or other agreement may be subcontracted or transferred without prior approval of the federal sponsoring agency.

H. SUSPENSION AND TERMINATION
1. Definitions:

   a. Termination - Cancellation
   b. Suspension - Temporary removal of support until corrective action or termination.

2. Each federal sponsoring agency must have procedures for suspension or termination when agency has not complied with conditions of a program.

3. Termination may be:

   a. For cause - failure to comply.
   b. For convenience - mutual agreement.

I. PROPERTY MANAGEMENT STANDARDS
1. Adequate property management system to include:

   a. Unique identification number
   b. Description
   c. Funding source
   d. Acquisition cost
   e. Federal participation percentage
f. Title vestiture  
g. Location, use and condition  
h. Disposition data  
i. Other data to support cost allocation

2. Federal property must be marked as such.  
3. Physical inventory to be taken every two years.  
4. Property must be made available for shared usage with other federal projects.  
5. Control system to be in effect to safeguard against loss, damage or theft of property.  
6. Adequate maintenance procedures to be implemented.  
7. Disposal procedures require authorization, competitive sales, and highest possible return.

J. PROCUREMENT STANDARDS
1. Agency may follow their own procedures but must include:  
a. Code of conduct for Officers, employees or agents engaged in awarding or administering;  
   i. Officer, employee or agent may not engage an organization in which he has a financial interest or is negotiating employment.  
   ii. May not accept gratuities.  
   iii. Disciplinary measures should be provided for violations.  
b. Open and free competition.  
c. Procedures to avoid purchasing unnecessary or duplicate items-lease purchase analysis.  
d. Solicitation based on accurate description of technical requirements.  
e. Positive efforts to use small and minority businesses.  
f. Type of contract shall be determined by agency but not cost plus or percentage of cost contracts.  
g. Use of responsible contractors.  
h. Prior approval of sole source over $5,000.  
i. Some sort of price or cost analysis should be made on every procurement.  
j. Records for purchases of $10,000 must include:  
   i. Basis of contractor selection.  
   ii. Justification for lack of competition.  
   iii. Basis for award.  
k. Assurance of contractor compliance with contract.
Appendix L
A-133 Audit Information

The focus of an audit conducted in accordance with OMB A-133 is on the financial statements of the audited organization, as well as the internal controls over, and compliance with applicable laws, regulations and provisions of awards. Many of the compliance requirements associated with an A-133 audit are based on federal laws or on other OMB circulars covering accounting and administrative matters, as adopted by each federal agency.

The type/level of audit required by the OMB circulars is based on the amount of federal financial assistance received by an organization in any given year. **Grantees and subrecipients that expend $500,000 or more in a year in federal awards must have a single or program audit conducted for that year. This is also referred to as an A-133 Audit.**

**Contents of the Reporting Package:**
Auditees that have a single audit performed in accordance with Office of Management and Budget Circular A-133 must submit a complete reporting package to the Federal Audit Clearinghouse (and certain pass-through entities) as evidence that the audit was completed. The auditee and auditor share responsibility for preparing the components of the single audit reporting package which must contain:

**Financial Statements**

**Balance Sheet** (Reports the financial position at the end of the period)

**COMPONENTS OF THE BALANCE SHEET:**

a. **Assets:** Represents future economic benefits  
b. **Liabilities:** Represents future economic sacrifices  
c. **Statement of Cash Flows:** Reports cash inflows and outflows during the period.

**Statement of Income**

**COMPONENTS OF THE INCOME STATEMENT**

a. **Revenues**  
b. **Expenses**  
c. **Net Income = Revenues – Expenses**

**Statement of Cash Flow**

**COMPONENTS OF THE STATEMENT OF CASH FLOWS**

a. **Cash flows from Operating Activities**  
b. **Cash flows from Investing Activities**  
c. **Cash flows from Financing Activities**  
d. **Statement of Retained Earnings**

If the change in the owner’s equity account consists only of the net profit or loss of the project during the year, the change may be noted on the Balance Sheet in lieu of including a separate Statement of Changes in Owner’s Equity. If, however, the owner has made contributions or taken distributions during the year covered by the statement, a separate statement of Changes in Owner’s Equity should be included with the financial statements.
Basic financial statements have notes, which contain explanatory information relative to the organization and policy changes affecting the preparation of financial statements and account balances, as well as significant accounting policies that have been followed in the preparation of the financial statements by the accountant.

**Schedule of Expenditures of Federal Awards**

The schedule of Expenditures of federal awards must list individual federal programs by federal agency and the federal programs included in any program cluster. If the auditee receives federal awards as a subrecipient, it also must include in the schedule:

a. the name of the pass-through entity
b. the identifying number assigned by the pass-through entity
c. the total federal awards expended for each individual federal program
d. the Catalog of Federal Domestic Assistance (CFDA) number

**Summary Schedule of Prior Audit Findings**

The auditee is responsible for follow-up and corrective action of all audit findings under Circular A-133. As part of this responsibility, the auditee must prepare a Summary Schedule of Prior Audit Findings. In the summary schedule, the auditee must report:

- the status of audit findings included in the prior year audit’s Schedule of Findings and Questioned Costs that relate to federal awards
- the status of audit findings listed in the prior year audits’ summary schedule

However, the auditee’s schedule does not have to report the status of audit findings listed as corrected, no longer valid or not warranting further action in the prior year’s audit summary.

When a finding has been fully corrected, the auditee’s Summary Schedule of Prior Audit Findings must list the audit finding and state that corrective action was taken. When an audit finding has not been corrected or has been only partially corrected, the summary schedule must describe the planned corrective action and any partial corrective action taken. If the corrective action taken is significantly different than the corrective action previously stated; the auditee must provide an explanation in the summary schedule.

If an auditee believes that audit findings are no longer valid or do not warrant further action, the auditee must describe the reasons for this position in the summary schedule. A valid reason for believing that an audit finding does not warrant further action, according to the circular, is when all of the following has occurred:

- Two years have passed since the audit report that included the finding was submitted to the Federal Audit Clearinghouse;
- The federal agency or pass-through entity is not currently following up with the auditee on the finding; and
- A management decision (i.e., the evaluation by the federal awarding agency or pass-through entity of the audit finding and the issuance of a written decision as to what corrective action is necessary) was not issued.

Auditees must include the reference numbers assigned by the auditor to each audit finding in the prior year’s Schedule of Findings and Questioned Costs. Because the Summary may include audit findings from multiple years, the auditee should be sure to include the fiscal year in which the finding initially occurred as part of the reference number.
The Auditor’s Reports

Accountant’s Certification
The auditor’s report must be manually signed by the firm (or individual practitioner) responsible for the audit; the auditor’s name must not be simply printed or typed on the report. The auditor must be an Independent Public Accountant (IPA). An IPA is a Certified Public Accountant (CPA) or a licensed or registered public accountant. The IPA must have no business relationship with the owner or management agent except for the performance of the audit and/or systems work and tax preparation. Opinions or reports signed by the project’s bookkeeper, whether a CPA or licensed public accountant, are not acceptable. The whole purpose of the audit is to have an independent, objective third party determine whether the owner’s financial statements are accurate; a project’s bookkeeper does not qualify as an independent party.

Auditor’s report on Financial Statements

Components of the Auditor’s Report on Financial Statements
- Title that reads “Independent Auditor’s Report.”
- Introductory paragraph that identifies the financial statements that were audited.
- Scope Paragraph that describes the nature and objective of an audit.
- Opinion Paragraph on Financial Statements that expresses the auditor’s opinion as to whether the statements are fairly presented in all material respects, in conformity with GAAP.
- Opinion Paragraph on Supplemental Data that expresses the auditor’s opinion as to whether the supplemental data is fairly presented in relation to the financial statements taken as a whole.

Opinion
Four types of audit opinions may be issued by the auditor:
- Unqualified
- Qualified
- Adverse
- Disclaimer

A qualified, adverse or disclaimer opinion is issued when deficiencies are encountered during the audit that prevent the issuance of the standard (unqualified) opinion. Deviation from this “standard” or “clean” opinion may be acceptable, but must always be explained in the auditor’s report. The explanation, if not contained in the scope paragraph may be usually given as a separate explanatory paragraph between the scope and opinion, and should be read carefully for its effect on the reliability of the statements.

Auditor’s Report on the Internal Control Structure
As part of the auditor’s report, the auditor must prepare a report on the auditee’s internal control related to the financial statements and major programs. Internal control is the process an auditee has in place to provide reasonable assurance regarding the achievement of objectives in:
- Effectiveness and efficiency of operations.
- Reliability of financial reporting; and
- Compliance with applicable laws and regulations.

More specifically, the OMB Circular A-133 defines internal control over federal programs as the process an auditee has in place to provide reasonable assurance regarding the achievement of the following objectives for federal programs:
Transactions are properly recorded and accounted for to permit the preparation of reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with laws, regulations and other compliance requirements;

Transactions are executed in compliance with laws, regulations and the provisions of contracts or grant agreements that could have a direct and material effect on a federal program and any other laws and regulations identified in the OMB Circular A-133 Compliance Supplement; and

Funds, property and other assets are safeguarded against loss from unauthorized use or disposition.

Auditor’s performing a single audit must comply with Government Auditing Standards (GAS), which requires the auditor to obtain sufficient understanding of an auditee’s internal control over financial reporting to plan the audit and determine the nature, timing and extent of tests to be performed.

The auditor’s report on internal control must describe:

- the scope of testing of the auditee’s internal control
- the results of the tests
- where applicable, it must also refer to the separate Schedule of Findings and Questioned Costs, which includes a summary of the auditor’s results, findings related to the financial statements, which must be reported under FAS, and findings and questioned costs for federal awards.

**Auditor’s Report on Compliance**

In Accordance with GAAS and GAS, the auditor should prepare a written report on the tests of compliance with applicable laws and regulations and the provisions of contracts or grant agreements, noncompliance which could have a material effect on the auditee’s financial statements. This report, which may be included in either the report on the financial audit or a separate report, should contain a statement of positive assurance on those items which were tested for compliance and negative assurance on those items not tested. The auditor’s test of compliance with applicable laws and regulations should include tests to the extent necessary to comply with GAAS, FAS, and GAAP. Where applicable, the auditor’s report on compliance should refer to the Schedule of Findings and Questioned Costs. The independent accountant shall justify any material departure from the language as illustrated in the sample.

**Other Reports**

As recommended by GAAS, the following reports are prepared by an auditor.

**Auditor’s Management Letter** or Schedule of Findings and Questioned Costs.

When the auditor identifies a finding, the following information should be provided to permit timely and proper corrective action to be taken. The auditor should attempt to identify:

- Condition (the nature of the problem)
- Criteria (what the agency should be doing)
- Effect (what happened as a result of the problem)
- Cause (why the problem exists)

The auditor’s Management Letter or Schedule of Findings and Questioned Costs, may be attached to the auditor’s report on compliance.

**Auditor’s Comments on Audit Resolution Matters**

This report, which may be included in the Auditor’s Management Letter, identifies whether an agency has taken corrective actions on findings from the prior audit report. The auditor should provide the
agency name, prior audit report number, a brief description of the finding, and the status of the corrective action on the finding. This report also includes findings contained in program review reports, and state agency reports.

**Auditee’s Response or Corrective Action Plan**
Circular A-133 requires the auditee to prepare a corrective action plan that addresses each audit finding included in the auditor’s report. The auditee’s corrective action plan must identify:

- a contact person who is responsible for corrective action,
- the corrective action planned and the anticipated completion date.

Also if the auditee does not agree with the audit findings or believes that corrective action is not required, the auditee should include a statement to that effect in the corrective action plan, along with an explanation and specific reasons.

Federal agencies and pass-through entities will review the auditee’s corrective action plan to:

- verify the corrective action will be sufficient to prevent the reoccurrence of similar findings
- ensure continued compliance
- recover any questioned costs

If the auditee takes corrective action that is different than what is proposed in the corrective action plan, the auditee must explain the change in the following year’s Summary Schedule of Prior Audit Findings.

**Status of Corrective Action of Prior Findings**
The auditee must comment on all prior findings whether or not corrective action has been completed. The auditee should provide a report on the status of corrective actions taken on prior findings that remain open. An update should be included on dates for completion of major tasks and responsible officials for any actions not completed. In addition, documentation should be submitted for any actions the auditee considers completed.

**Sources:**
IFP Consulting: Financial Management Workbook, Chapter 3


“U.S. GAAP” Website, Generally Accepted Accounting Principles in the United States-Financial Statements

Appendix M
24 CFR Part 84

Part 84— Uniform Administrative Requirements For Grants And Agreements With Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations

Subpart A—General

Sec.
84.1 Purpose.
84.2 Definitions.
84.3 Effect on other issuances.
84.4 Deviations.
84.5 Subawards.

Subpart B—Pre-Award Requirements
84.10 Purpose.
84.11 Pre-award policies.
84.12 Forms for applying for Federal assistance.
84.13 Debarment and suspension; Drug-Free Workplace.
84.14 Special award conditions.
84.15 Metric system of measurement.
84.16 Resource Conservation and Recovery Act.
84.17 Certifications and representations.

Subpart C—Post-Award Requirements

Financial and Program Management
84.20 Purpose of financial and program management.
84.21 Standards for financial management systems.
84.22 Payment.
84.23 Cost sharing or matching.
84.24 Program income.
84.25 Revision of budget and program plans.
84.26 Non-Federal audits.
84.27 Allowable costs.
84.28 Period of availability of funds.

Property Standards
84.30 Purpose of property standards.
84.31 Insurance coverage.
84.32 Real property.
84.33 Federally-owned and exempt property.
84.34 Equipment.
84.35 Supplies and other expendable property.
84.36 Intangible property.
84.37 Property trust relationship.

Procurement Standards
84.40 Purpose of procurement standards.
84.41 Recipient responsibilities.
84.42 Codes of conduct.
84.43 Competition.
84.44 Procurement procedures.
84.45 Cost and price analysis.
84.46 Procurement records.
84.47 Contract administration.
84.48 Contract provisions.

Reports and Records
84.50 Purpose of reports and records.
84.51 Monitoring and reporting program performance.
84.52 Financial reporting.
84.53 Retention and access requirements for records.

Termination and Enforcement
84.60 Purpose of termination and enforcement.
84.61 Termination.
84.62 Enforcement.

Subpart D—After-the-Award Requirements
84.70 Purpose.
84.71 Closeout procedures.
84.72 Subsequent adjustments and continuing responsibilities.
84.73 Collection of amounts due.

Subpart E—Use of Lump Sum Grants
84.80 Conditions for use of Lump Sum (fixed price or fixed amount) grants.
84.81 Definition.
84.82 Provisions applicable only to lump sum grants.
84.83 Property standards.
84.84 Procurement standards.
84.85 Reports and records.
84.86 Termination and enforcement.
84.87 Closeout procedures, subsequent adjustments and continuing responsibilities.

Appendix A to Part 84—Contract Provisions

Authority:
42 U.S.C. 3535(d).

Source:
59 FR 47011, Sept. 13, 1994, unless otherwise noted.
Subpart A—General

§84.1 Purpose.
This part establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. Additional or inconsistent requirements shall not be imposed, except as provided in §§84.4, and 84.14 or unless specifically required by Federal statute or executive order. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.

§84.2 Definitions.
Accrued expenditures means the charges incurred by the recipient during a given period requiring the provision of funds for:
(1) Goods and other tangible property received;
(2) Services performed by employees, contractors, subrecipients, and other payees; and
(3) Other amounts becoming owed under programs for which no current services or performance is required.

Accrued income means the sum of:
(1) Earnings during a given period from:
   (i) Services performed by the recipient; and
   (ii) Goods and other tangible property delivered to purchasers; and
(2) Amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

Acquisition cost of equipment means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient’s regular accounting practices.

Advance means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

Award means financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by HUD to an eligible recipient. The term does not include: technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, capital advances under the Sections 202 and 811 programs, interest subsidies, or insurance; direct payments of any kind to individuals; and, contracts which are required to be entered into and administered under procurement laws and regulations.

Cash contributions means the recipient’s cash outlay, including the outlay of money contributed to the recipient by third parties.
Closeout means the process by which HUD determines that all applicable administrative actions and all required work of the award have been completed by the recipient and HUD.

Contract means a procurement contract under an award or subaward, and a procurement subcontract under a recipient's or subrecipient's contract.

Cost sharing or matching means that portion of project or program costs not borne by HUD.

Date of completion means the date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which HUD sponsorship ends.

Disallowed costs means those charges to an award that HUD determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

Equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5000 or more per unit. However, consistent with recipient policy, lower limits may be established.

Excess property means property under the control of HUD that, as determined by the Secretary, is no longer required for its needs or the discharge of its responsibilities.

Exempt property means tangible personal property acquired in whole or in part with Federal funds, where HUD has statutory authority to vest title in the recipient without further obligation to the Federal Government. An example of exempt property authority is contained in the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6306), for property acquired under an award to conduct basic or applied research by a non-profit institution of higher education or non-profit organization whose principal purpose is conducting scientific research.

Federal awarding agency means the Federal agency that provides an award to the recipient.

Federal funds authorized means the total amount of Federal funds obligated by HUD for use by the recipient. This amount may include any authorized carryover of unobligated funds from prior funding periods when permitted by HUD regulations or implementing instructions.

Federal share of real property, equipment, or supplies means that percentage of the property's acquisition costs and any improvement expenditures paid with Federal funds.

Funding period means the period of time when Federal funding is available for obligation by the recipient.

Intangible property and debt instruments means, but is not limited to, trademarks, copyrights, patents and patent applications and such property as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership, whether considered tangible or intangible.

Obligations means the amounts of orders placed, contracts and grants awarded, services received and similar transactions during a given period that require payment by the recipient during the same or a future period.

Outlays or expenditures means charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of third party in-kind contributions applied and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis,
outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subrecipients and other payees and other amounts becoming owed under programs for which no current services or performance are required.

*Personal property* means property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents, or securities.

*Prior approval* means written approval by an authorized official evidencing prior consent.

*Program income* means gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award (see exclusions in §§84.24 (e) and (h)). Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in HUD regulations or the terms and conditions of the award, program income does not include the receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them.

*Project costs* means all allowable costs, as set forth in the applicable Federal cost principles, incurred by a recipient and the value of the contributions made by third parties in accomplishing the objectives of the award during the project period.

*Project period* means the period established in the award document during which HUD sponsorship begins and ends.

*Property* means, unless otherwise stated, real property, equipment, intangible property and debt instruments.

*Real property* means land, including land improvements, structures and appurtenances thereto, but excludes movable machinery and equipment.

*Recipient* means an organization receiving financial assistance directly from HUD to carry out a project or program. The term includes public and private institutions of higher education, public and private hospitals, and other quasi-public and private non-profit organizations such as, but not limited to, community action agencies, research institutes, educational associations, and health centers. The term includes commercial organizations, international organizations when operating domestically (such as agencies of the United Nations) which are recipients, subrecipients, or contractors or subcontractors of recipients or subrecipients. The term does not include government-owned contractor-operated facilities or research centers providing continued support for mission-oriented, large-scale programs that are government-owned or controlled, or are designated as federally-funded research and development centers. The term does not include mortgagors that receive mortgages insured or held by HUD or mortgagors or project owners that receive capital advances from HUD under the Section 202 and 811 programs.

*Research and development* means all research activities, both basic and applied, and all development activities that are supported at universities, colleges, and other non-profit institutions. “Research” is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. “Development” is the systematic use of
knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

Small awards means a grant or cooperative agreement not exceeding $100,000 or the small purchase threshold fixed at 41 U.S.C. 403(11), whichever is greater.

Subaward means:

(1) An award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of “award”.

(2) For Community Development Block Grants, the term “subaward” does not include the arrangement whereby the prime recipient transfers funds to another entity and that entity is the project. A distinction is made between such a transfer for the furtherance of the prime recipient’s goals and the transfer of funds to a subrecipient who carries out activities and is accountable to the prime recipient. For example, in a CDBG award where a prime recipient has as its program goal the revitalization of a downtown area, the funds transferred to a business in the downtown area to remodel its store would not be considered a subaward subject to this part 84.

Subrecipient means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. The term includes commercial organizations and international organizations operating domestically (such as agencies of the United Nations).

Supplies means all personal property excluding equipment, intangible property, and debt instruments as defined in this section, and inventions of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement (“subject inventions”), as defined in 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements.”

Suspension means an action by HUD that temporarily withdraws HUD sponsorship under an award, pending corrective action by the recipient or pending a decision to terminate the award by HUD. Suspension of an award is a separate action from suspension under HUD regulations implementing E.O. 12549 and E.O. 12689, “Debarment and Suspension,” at 24 CFR part 24.

Termination means the cancellation of HUD sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

Third party in-kind contributions means the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefitting and specifically identifiable to the project or program.

Unliquidated obligations, for financial reports prepared on a cash basis, means the amount of obligations incurred by the recipient that have not been paid. For reports prepared on an
accrued expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

*Unobligated balance* means the portion of the funds authorized by HUD that has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

*Unrecovered indirect cost* means the difference between the amount awarded and the amount which could have been awarded under the recipient’s approved negotiated indirect cost rate.

*Working capital advance* means a procedure whereby funds are advanced to the recipient to cover its estimated disbursement needs for a given initial period.

### §84.3 Effect on other issuances.

For awards subject to this part, all administrative requirements of codified program regulations, program manuals, handbooks and other nonregulatory materials which are inconsistent with the requirements of this part shall be superseded, except to the extent they are required by statute, or authorized in accordance with the deviations provision in §84.4.

### §84.4 Deviations.

The Office of Management and Budget (OMB) may grant exceptions for classes of grants or recipients subject to the requirements of this rule when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this rule shall be permitted only in unusual circumstances. HUD may apply more restrictive requirements to a class of recipients when approved by OMB. HUD may apply less restrictive requirements when awarding small awards and when approved by OMB, except for those requirements which are statutory. Exceptions on a case-by-case basis may also be made by HUD.

### §84.5 Subawards.

Unless sections of this part specifically exclude subrecipients from coverage, the provisions of this part shall be applied to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals, commercial organizations and international organizations operating domestically, or other non-profit organizations. State, local and Federally recognized Indian tribal government subrecipients are subject to the provisions of regulations implementing the grants management common rule, “Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments,” (24 CFR part 85).

**Subpart B—Pre-Award Requirements**

### §84.10 Purpose.

Sections 84.11 through 84.17 prescribe forms and instructions and other pre-award matters to be used in applying for HUD awards.

### §84.11 Pre-award policies.

(a) *Use of Grants and Cooperative Agreements, and Contracts.* In each instance, HUD shall decide on the appropriate award instrument (i.e., grant, cooperative agreement, or contract). The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301-08) governs the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. The statutory criterion for choosing
between grants and cooperative agreements is that for the latter, “substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.” Contracts shall be used when the principal purpose is acquisition of property or services for the direct benefit or use of the Federal Government.

(b) **Public Notice and Priority Setting.** HUD shall notify the public of its intended funding priorities for discretionary grant programs, unless funding priorities are established by Federal statute.

### §84.12 Forms for applying for Federal assistance.

(a) HUD shall comply with the applicable report clearance requirements of 5 CFR part 1320, “Controlling Paperwork Burdens on the Public,” with regard to all forms used by HUD in place of or as a supplement to the Standard Form 424 (SF-424) series.

(b) Applicants shall use the SF-424 series or those forms and instructions prescribed by HUD.

(c) For Federal programs covered by E.O. 12372, “Intergovernmental Review of Federal Programs,” the applicant shall complete the appropriate sections of the SF-424 (Application for Federal Assistance) indicating whether the application was subject to review by the State Single Point of Contact (SPOC). The name and address of the SPOC for a particular State can be obtained from the *Catalog of Federal Domestic Assistance*. The SPOC shall advise the applicant whether the program for which application is made has been selected by that State for review.

### §84.13 Debarment and suspension; Drug-Free Workplace.

(a) HUD and its recipients and subrecipients shall comply with the nonprocurement debarment and suspension common rule implementing E.O.s 12549 and 12689, “Debarment and Suspension,” at 24 CFR part 24. This common rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

(b) HUD and its recipients and subrecipients shall comply with the certification requirements of the Drug-Free Workplace Act of 1988 (42 U.S.C. 701), as set forth at 24 CFR part 24, subpart F.

### §84.14 Special award conditions.

If an applicant or recipient:

(a) Has a history of poor performance;

(b) Is not financially stable;

(c) Has a management system that does not meet the standards prescribed in this part;

(d) Has not conformed to the terms and conditions of a previous award; or

(e) Is not otherwise responsible, HUD may impose additional requirements as needed, provided that such applicant or recipient is notified in writing as to: the nature of the additional requirements, the reason why the additional requirements are being imposed, the nature of the corrective action needed, the time allowed for completing the corrective actions, and the method for requesting reconsideration of the additional requirements imposed. Any special conditions shall be promptly removed once the conditions that prompted them have been corrected.
§84.15 Metric system of measurement.

The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205) declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date or dates in consultation with the Secretary of Commerce, when the metric system of measurement will be used in the agency's procurements, grants, and other business-related activities. Metric implementation may take longer where the use of the system is initially impractical or likely to cause significant inefficiencies in the accomplishment of federally-funded activities. HUD shall follow the provisions of E.O. 12770, “Metric Usage in Federal Government Programs.”

§84.16 Resource Conservation and Recovery Act.

Under the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580, 42 U.S.C. 6962), any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with Section 6002. Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA) (40 CFR parts 247 through 254). Accordingly, State and local institutions of higher education, hospitals, commercial organizations and international organizations when operating domestically, and non-profit organizations that receive direct Federal awards or other Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to the EPA guidelines.

§84.17 Certifications and representations.

Unless prohibited by statute or codified regulation, HUD is authorized and encouraged to allow recipients to submit certifications and representations required by statute, executive order, or regulation on an annual basis, if the recipients have ongoing and continuing relationships with the agency. Annual certifications and representations shall be signed by responsible officials with the authority to ensure recipients' compliance with the pertinent requirements.

Subpart C—Post-Award Requirements

Financial and Program Management

§84.20 Purpose of financial and program management.

Sections 84.21 through 84.28 prescribe standards for financial management systems, methods for making payments and rules for: satisfying cost sharing and matching requirements, accounting for program income, budget revision approvals, making audits, determining allowability of cost, and establishing fund availability.

§84.21 Standards for financial management systems.

(a) HUD shall require recipients to relate financial data to performance data and develop unit cost information whenever practical.

(b) Recipients’ financial management systems shall provide for the following:

(1) Accurate, current and complete disclosure of the financial results of each federally-sponsored project or program in accordance with the reporting requirements set forth in §84.52. If a recipient maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for their reports on the basis of an analysis of the documentation on hand.
(2) Records that identify adequately the source and application of funds for federally-sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.

(3) Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.

(4) Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient. To the extent that the provisions of the Cash Management Improvement Act (CMIA) (Pub. L. 101-453) govern, payment methods of State agencies, instrumentalities, and fiscal agents shall be consistent with CMIA Treasury-State Agreements or the CMIA default procedures codified at 31 CFR part 205, “Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs.”

(6) Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

(7) Accounting records including cost accounting records that are supported by source documentation.

(c) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, HUD, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

(d) HUD may require adequate fidelity bond coverage where the recipient lacks sufficient coverage to protect the Federal Government's interest.

(e) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, “Surety Companies Doing Business with the United States.”

§84.22 Payment.

(a) Payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payment by other means by the recipients. Payment methods of State agencies or instrumentalities shall be consistent with Treasury-State CMIA agreements or default procedures codified at 31 CFR part 205.

(b) Recipients are to be paid in advance, provided they maintain or demonstrate the willingness to maintain:

(1) Written procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient; and

(2) Financial management systems that meet the standards for fund control and accountability as established in §84.21. Cash advances to a recipient organization shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash...
requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.

(c) Whenever possible, advances shall be consolidated to cover anticipated cash needs for all awards made by HUD to the recipient.

(1) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer.

(2) Advance payment mechanisms are subject to 31 CFR part 205.

(3) Recipients shall be authorized to submit requests for advances and reimbursements at least monthly when electronic fund transfers are not used.

(d) Requests for Treasury check advance payment shall be submitted on SF–270, “Request for Advance or Reimbursement,” or other forms as may be authorized by OMB. This form is not to be used when Treasury check advance payments are made to the recipient automatically through the use of a predetermined payment schedule or if precluded by special HUD instructions for electronic funds transfer.

(e) Reimbursement is the preferred method when the requirements in paragraph (b) of this section cannot be met. HUD may also use this method on any construction agreement, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the project.

(1) When the reimbursement method is used, HUD shall make payment within 30 days after receipt of the billing, unless the billing is improper.

(2) Recipients shall be authorized to submit request for reimbursement at least monthly when electronic funds transfers are not used.

(f) If a recipient cannot meet the criteria for advance payments and HUD has determined that reimbursement is not feasible because the recipient lacks sufficient working capital, HUD may provide cash on a working capital advance basis. Under this procedure, HUD shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the awardee's disbursing cycle. Thereafter, HUD shall reimburse the recipient for its actual cash disbursements. The working capital advance method of payment shall not be used for recipients unwilling or unable to provide timely advances to their subrecipient to meet the subrecipient's actual cash disbursements.

(g) To the extent available, recipients shall disburse funds available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(h) Unless otherwise required by statute, HUD shall not withhold payments for proper charges made by recipients at any time during the project period unless paragraphs (h)(1) or (h)(2) of this section apply.

(1) A recipient has failed to comply with the project objectives, the terms and conditions of the award, or Federal reporting requirements.

(2) The recipient or subrecipient is delinquent in a debt to the United States as defined in OMB Circular A–129, “Managing Federal Credit Programs.” Under such conditions, HUD may, upon
reasonable notice, inform the recipient that payments shall not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

(i) Standards governing the use of banks and other institutions as depositories of funds advanced under awards are as follows.

(1) Except for situations described in paragraph (i)(2) of this section, HUD shall not require separate depository accounts for funds provided to a recipient or establish any eligibility requirements for depositories for funds provided to a recipient. However, recipients must be able to account for the receipt, obligation and expenditure of funds.

(2) Advances of Federal funds shall be deposited and maintained in insured accounts whenever possible.

(j) Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).

(k) Recipients shall maintain advances of Federal funds in interest bearing accounts, unless paragraphs (k)(1), (k)(2), or (k)(3) of this section apply.

(1) The recipient receives less than $120,000 in Federal awards per year.

(2) The best reasonably available interest bearing account would not be expected to earn interest in excess of $250 per year on Federal cash balances.

(3) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

(l) For those entities where CMIA and its implementing regulations do not apply, interest earned on Federal advances deposited in interest bearing accounts shall be remitted annually to Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. In keeping with Electronic Funds Transfer rules (31 CFR part 206), interest should be remitted to the HHS Payment Management System through an electronic medium such as the FEDWIRE Deposit system. Recipients which do not have this capability should use a check. Interest amounts up to $250 per year may be retained by the recipient for administrative expense. State universities and hospitals shall comply with CMIA, as it pertains to interest. If an entity subject to CMIA uses its own funds to pay pre-award costs for discretionary awards without prior written approval from the Federal awarding agency, it waives its right to recover the interest under CMIA.

(m) Except as noted elsewhere in this rule, only the following forms shall be authorized for the recipients in requesting advances and reimbursements. Federal agencies shall not require more than an original and two copies of these forms.

(1) **SF–270, Request for Advance or Reimbursement.** HUD has adopted the SF–270 as a standard form for all nonconstruction programs when electronic funds transfer or predetermined advance methods are not used. HUD has the option of using this form for construction programs in lieu of the SF–271, “Outlay Report and Request for Reimbursement for Construction Programs.”

(2) **SF–271, Outlay Report and Request for Reimbursement for Construction Programs.** HUD has adopted the SF–271 as the standard form to be used for requesting reimbursement for
construction programs. However, HUD may substitute the SF–270 when HUD determines that it provides adequate information to meet Federal needs.

§84.23 Cost sharing or matching.

(a) All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the following criteria.

(1) Are verifiable from the recipient's records.

(2) Are not included as contributions for any other federally-assisted project or program.

(3) Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.

(4) Are allowable under the applicable cost principles.

(5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.

(6) Are provided for in the approved budget when required by HUD.

(7) Conform to other provisions of this part, as applicable.

(b) Unrecovered indirect costs may be included as part of cost sharing or matching only with the prior approval of HUD.

(c) Values for recipient contributions of services and property shall be established in accordance with the applicable cost principles. If HUD authorizes recipients to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching shall be the lesser of paragraphs (c)(1) or (c)(2) of this section.

(1) The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation.

(2) The current fair market value. However, when there is sufficient justification, HUD may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project.

(d) Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

(e) When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits that are reasonable, allowable, and allocable, but exclusive of overhead costs), provided these services are in the same skill for which the employee is normally paid.

(f) Donated supplies may include such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to donated supplies included in the cost sharing or matching share shall be reasonable and shall not exceed the fair market value of the property at the time of the donation.
(g) The method used for determining cost sharing or matching for donated equipment, buildings and land for which title passes to the recipient may differ according to the purpose of the award, if paragraphs (g)(1) or (g)(2) of this section apply.

(1) If the purpose of the award is to assist the recipient in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching.

(2) If the purpose of the award is to support activities that require the use of equipment, buildings or land, normally only depreciation or use charges for equipment and buildings may be made. However, the full value of equipment or other capital assets and fair rental charges for land may be allowed, provided that HUD has approved the charges.

(h) The value of donated property shall be determined in accordance with the usual accounting policies of the recipient, with the following qualifications.

(1) The value of donated land and buildings shall not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser (e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient.

(2) The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation.

(3) The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment shall not exceed its fair rental value.

(5) The following requirements pertain to the recipient’s supporting records for in-kind contributions from third parties.

(i) Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

(ii) The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

§84.24 Program income.

(a) HUD shall apply the standards set forth in this section in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds.

(b) Except as provided in paragraph (h) of this section, program income earned during the project period shall be retained by the recipient and, in accordance with HUD regulations or the terms and conditions of the award, shall be used in one or more of the ways listed in the following.

(1) Added to funds committed to the project by HUD and recipient and used to further eligible project or program objectives.

(2) Used to finance the non-Federal share of the project or program.

(3) Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.
(c) When HUD authorizes the disposition of program income as described in paragraphs (b)(1) or (b)(2) of this section, program income in excess of any limits stipulated shall be used in accordance with paragraph (b)(3) of this section.

(d) In the event that HUD does not specify in its regulations or the terms and conditions of the award how program income is to be used, paragraph (b)(3) of this section shall apply automatically to all projects or programs except research. For awards that support research, paragraph (b)(1) of this section shall apply automatically unless HUD indicates in the terms and conditions another alternative on the award or the recipient is subject to special award conditions, as indicated in §84.14.

(e) Unless HUD regulations or the terms and conditions of the award provide otherwise, recipients shall have no obligation to the Federal Government regarding program income earned after the end of the project period.

(f) If authorized by HUD regulations or the terms and conditions of the award, costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

(g) Proceeds from the sale of property shall be handled in accordance with the requirements of the Property Standards (See §§84.30 through 84.37).

(h) Unless HUD regulations or the terms and condition of the award provide otherwise, recipients shall have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research award.

§84.25 Revision of budget and program plans.

(a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon HUD requirements. It shall be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.

(c) For nonconstruction awards, recipients shall request prior approvals from HUD for one or more of the following program or budget related reasons.

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or award document.

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The need for additional Federal funding.

(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, if approval is required by HUD.

(6) The inclusion, unless waived by HUD, of costs that require prior approval in accordance with OMB Circular A–21, “Cost Principles for Institutions of Higher Education,” OMB Circular A–122, “Cost Principles for Non-Profit Organizations,” or 45 CFR part 74 Appendix E,

(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.

(8) Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

(d) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(e) Except for requirements listed in paragraphs (c)(1) and (c)(4) of this section, HUD is authorized, at its option, to waive cost-related and administrative prior written approvals required by Circular A–110 and OMB Circulars A–21 and A–122. Such waivers may include authorizing recipients to do any one or more of the following.

(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of HUD. All pre-award costs are incurred at the recipient's risk (i.e., HUD is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

(2) Initiate a one-time extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply. For one-time extensions, the recipient must notify HUD in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

(i) The terms and conditions of award prohibit the extension.

(ii) The extension requires additional Federal funds.

(iii) The extension involves any change in the approved objectives or scope of the project.

(3) Carry forward unobligated balances to subsequent funding periods.

(4) For awards that support research, unless HUD provides otherwise in HUD's regulations, the prior approval requirements described in paragraph (e) of this section are automatically waived (i.e., recipients need not obtain such prior approvals) unless one of the conditions included in paragraph (e)(2) of this section applies.

(f) HUD may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for awards in which the Federal share of the project exceeds $100,000 and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by HUD. HUD shall not permit a transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.

(g) All other changes to nonconstruction budgets, except for the changes described in paragraph (j) of this section, do not require prior approval.

(h) For construction awards, recipients shall request prior written approval promptly from HUD for budget revisions whenever paragraphs (h)(1), (h)(2) or (h)(3) of this section apply.

(1) The revision results from changes in the scope or the objective of the project or program.
(2) The need arises for additional Federal funds to complete the project.

(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in §84.27.

(i) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(j) When HUD makes an award that provides support for both construction and nonconstruction work, HUD may require the recipient to request prior approval from HUD before making any fund or budget transfers between the two types of work supported.

(k) For both construction and nonconstruction awards, HUD shall require recipients to notify HUD in writing promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient for the project period by more than $5000 or five percent of the Federal award, whichever is greater. This notification shall not be required if an application for additional funding is submitted for a continuation award.

(l) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless HUD indicates a letter of request suffices.

(m) Within 30 calendar days from the date of receipt of the request for budget revisions, HUD shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, HUD shall inform the recipient in writing of the date when the recipient may expect the decision.

§84.26 Non-Federal audits.

(a) Recipients and subrecipients that are institutions of higher education or other non-profit organization (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.”

(1) Non-profit organizations subject to regulations in the part 200 and part 800 series of this title which receive awards subject to part 84 shall comply with the audit requirements of revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.” For HUD programs, a non-profit organization is the mortgagor or owner (as these terms are defined in the regulations in the part 200 and part 800 series) and not a related or affiliated organization or entity.

(2) [Reserved]

(b) State and local governments shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.”

(c) For-profit hospitals not covered by the audit provisions of revised OMB Circular A–133 shall be subject to the audit requirements of the Federal awarding agencies.

(d) Commercial organizations shall be subject to the audit requirements of HUD or the prime recipient as incorporated into the award document.


§84.27 Allowable costs.

For each kind of recipient, there is a set of Federal principles for determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to
the entity incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A–87, “Cost Principles for State and Local Governments.” The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB Circular A–122, “Cost Principles for Non-Profit Organizations.” The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A–21, “Cost Principles for Educational Institutions.” The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 CFR part 74, “Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals.” The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A–122 is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 CFR part 31.

§84.28 Period of availability of funds.

Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by HUD.

Property Standards

§84.30 Purpose of property standards.

Sections 84.31 through 84.37 set forth uniform standards governing management and disposition of property furnished by the Federal Government whose cost was charged to a project supported by a Federal award. HUD shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal statute. The recipient may use its own property management standards and procedures provided it observes the provisions of §§84.31 through 84.37.

§84.31 Insurance coverage.

Recipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient. Federally-owned property need not be insured unless required by the terms and conditions of the award.

§84.32 Real property.

HUD prescribes the following requirements for recipients concerning the use and disposition of real property acquired in whole or in part under awards:

(a) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed and shall not encumber the property without approval of HUD.

(b) The recipient shall obtain written approval by HUD for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under federally-sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by HUD.

(c) When the real property is no longer needed as provided in paragraphs (a) and (b) of this section, the recipient shall request disposition instructions from HUD or its successor Federal awarding agency. HUD shall observe one or more of the following disposition instructions.
(1) The recipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.

(2) The recipient may be directed to sell the property under guidelines provided by HUD and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

§84.33 Federally-owned and exempt property.

(a) Federally-owned property. (1) Title to federally-owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally-owned property in their custody to HUD. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to HUD for further HUD utilization.

(2) If HUD has no further need for the property, it shall be declared excess and reported to the General Services Administration, unless HUD has statutory authority to dispose of the property by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710 (l)) to donate research equipment to educational and non-profit organizations in accordance with E.O. 12821, “Improving Mathematics and Science Education in Support of the National Education Goals.”) Appropriate instructions shall be issued to the recipient by HUD.

(b) Exempt property. When statutory authority exists, HUD has the option to vest title to property acquired with Federal funds in the recipient without further obligation to the Federal Government and under conditions HUD considers appropriate. Such property is “exempt property.” Should HUD not establish conditions, title to exempt property upon acquisition shall vest in the recipient without further obligation to the Federal Government.

§84.34 Equipment.

(a) Title to equipment acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.

(b) The recipient shall not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.

(c) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the equipment without approval of HUD. When the equipment is no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:

(1) Activities sponsored by HUD which funded the original project; then

(2) Activities sponsored by other Federal awarding agencies.
(d) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by HUD that financed the equipment; second preference shall be given to projects or programs sponsored by other Federal awarding agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by HUD. User charges shall be treated as program income.

(e) When acquiring replacement equipment, the recipient may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment subject to the approval of HUD.

(f) The recipient's property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following.

(1) Equipment records shall be maintained accurately and shall include the following information.

(i) A description of the equipment.

(ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(iii) Source of the equipment, including the award number.

(iv) Whether title vests in the recipient or the Federal Government.

(v) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.

(vi) Information from which one can calculate the percentage of Federal participation in the cost of the equipment (not applicable to equipment furnished by the Federal Government).

(vii) Location and condition of the equipment and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates HUD for its share.

(2) Equipment owned by the Federal Government shall be identified to indicate Federal ownership.

(3) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was owned by the Federal Government, the recipient shall promptly notify HUD.

(5) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.
(6) Where the recipient is authorized or required to sell the equipment, proper sales procedures shall be established which provide for competition to the extent practicable and result in the highest possible return.

(g) When the recipient no longer needs the equipment, the equipment may be used for other activities in accordance with the following standards. For equipment with a current per unit fair market value of $5000 or more, the recipient may retain the equipment for other uses provided that compensation is made to HUD or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. If the recipient has no need for the equipment, the recipient shall request disposition instructions from HUD. HUD shall determine whether the equipment can be used to meet HUD's requirements. If no requirement exists within HUD, the availability of the equipment shall be reported to the General Services Administration by HUD to determine whether a requirement for the equipment exists in other Federal agencies. HUD shall issue instructions to the recipient no later than 120 calendar days after the recipient's request and the following procedures shall govern.

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the equipment and reimburse HUD an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for the recipient's selling and handling expenses.

(2) If the recipient is instructed to ship the equipment elsewhere, the recipient shall be reimbursed by the Federal Government by an amount which is computed by applying the percentage of the recipient's participation in the cost of the original project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the recipient is instructed to otherwise dispose of the equipment, the recipient shall be reimbursed by HUD for such costs incurred in its disposition.

(4) HUD may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards.

(i) The equipment shall be appropriately identified in the award or otherwise made known to the recipient in writing.

(ii) HUD shall issue disposition instructions within 120 calendar days after receipt of a final inventory. The final inventory shall list all equipment acquired with grant funds and federally-owned equipment. If HUD fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this section, as appropriate.

(iii) When HUD exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.

§84.35 Supplies and other expendable property.

(a) Title to supplies and other expendable property shall vest in the recipient upon acquisition. If there is a residual inventory of unused supplies exceeding $5000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federally-sponsored project or program, the recipient shall retain the supplies for use on non-Federal sponsored activities or sell them, but shall, in either case, compensate the
Federal Government for its share. The amount of compensation shall be computed in the same manner as for equipment.

(b) The recipient shall not use supplies acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, as long as the Federal Government retains an interest in the supplies.

§84.36 Intangible property.

(a) The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. HUD reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

(b) Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements.”

(c) HUD has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and
(2) Authorize others to receive, reproduce, publish, or otherwise use such data for HUD purposes.

(d)(1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that were used by HUD in developing an agency action that has the force and effect of law, HUD shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If HUD obtains the research data solely in response to a FOIA request, HUD may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by HUD, the recipient, and applicable subrecipients. This fee is in addition to any fees HUD may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

(2) The following definitions apply for purposes of this paragraph (d):

(i) Research data is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This “recorded” material excludes physical objects (e.g., laboratory samples). Research data also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

(ii) Published is defined as either when:

(A) Research findings are published in a peer-reviewed scientific or technical journal; or

(B) HUD publicly and officially cites the research findings in support of an agency action that has the force and effect of law.
(iii) **Used by HUD in developing an agency action that has the force and effect of law** is defined as when HUD publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(e) **Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient.** The recipient shall use that property for the originally-authorized purpose, and the recipient shall not encumber the property without approval of HUD. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with the provisions of §84.34(g).


**§84.37 Property trust relationship.**

Real property, equipment, intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. HUD may require recipients to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.

**Procurement Standards**

**§84.40 Purpose of procurement standards.**

Sections 84.41 through 84.48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by HUD upon recipients, unless specifically required by Federal statute or executive order or approved by OMB.

**§84.41 Recipient responsibilities.**

The standards contained in this section do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to HUD, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

**§84.42 Codes of conduct.**

The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not
substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

§84.43 Competition.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. The other factors shall include the bidder's or offeror's compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), hereafter referred to as “Section 3.” Section 3 provides that, to the greatest extent feasible, and consistent with existing Federal, State, and local laws, and regulations, economic opportunities generated by certain HUD financial assistance shall be directed to low- and very low-income persons. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

§84.44 Procurement procedures.

(a) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that paragraphs (a)(1), (a)(2) and (a)(3) of this section apply.

(1) Recipients avoid purchasing unnecessary items.

(2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.

(3) Solicitations for goods and services provide for all of the following.

(i) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.

(ii) Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.

(iii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.

(iv) The specific features of “brand name or equal” descriptions that bidders are required to meet when such items are included in the solicitation.

(v) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.

(vi) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.

(1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

(2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

(3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

(c) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The “cost-plus-a-percentage-of-cost” or “percentage of construction cost” methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity; compliance with public policy, including, where applicable, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u); record of past performance; financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by implementation of E.O.s 12549 and 12689, “Debarment and Suspension,” at 24 CFR part 24.

(e) Recipients shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in HUD's implementation of Circular A–110.

(2) The procurement is expected to exceed $100,000 or the small purchase threshold fixed at 41 U.S.C. 403 (11), whichever is greater, and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

(3) The procurement, which is expected to exceed the small purchase threshold, specifies a “brand name” product.

(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.
(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

§84.45 Cost and price analysis.

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

§84.46 Procurement records.

Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:

(a) Basis for contractor selection;
(b) Justification for lack of competition when competitive bids or offers are not obtained; and
(c) Basis for award cost or price.

§84.47 Contract administration.

A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

§84.48 Contract provisions.

The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

(a) Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

(b) All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For those contracts or subcontracts exceeding $100,000, HUD may accept the bonding policy and requirements of the recipient, provided HUD has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other
negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

(4) Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."

(d) All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(e) All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of Appendix A to this rule, as applicable.

Reports and Records

§84.50 Purpose of reports and records.

Sections 84.51 through 84.53 set forth the procedures for monitoring and reporting on the recipient's financial and program performance and the necessary standard reporting forms. They also set forth record retention requirements.

§84.51 Monitoring and reporting program performance.

(a) Recipients are responsible for managing and monitoring each project, program, subaward, function or activity supported by the award. Recipients shall monitor subawards to ensure subrecipients have met the audit requirements as delineated in §84.26.

(b) HUD shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in §84.51(f), performance reports shall not be required more frequently than quarterly or less frequently than annually. Annual reports shall be due 90 calendar days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. HUD may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.

(c) If inappropriate, a final technical or performance report shall not be required after completion of the project.

(d) When required, performance reports shall generally contain, for each award, brief information on each of the following:

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of
programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(e) Recipients shall not be required to submit more than the original and two copies of performance reports.

(f) Recipients shall immediately notify HUD of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) HUD may make site visits, as needed.

(h) HUD shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

§84.52 Financial reporting.

(a) The following forms or such other forms as may be approved by OMB are authorized for obtaining financial information from recipients.

(1) SF–269 or SF–269A, Financial Status Report.

(i) HUD requires recipients to use the SF–269 or SF–269A to report the status of funds for all nonconstruction projects or programs. HUD has the option of not requiring the SF–269 or SF–269A when the SF–270, Request for Advance or Reimbursement, or SF–272, Report of Federal Cash Transactions, is determined to provide adequate information to meet its needs, except that a final SF–269 or SF–269A shall be required at the completion of the project when the SF–270 is used only for advances.

(ii) HUD shall prescribe whether the report shall be on a cash or accrual basis. If HUD requires accrual information and the recipient’s accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert its accounting system, but shall develop such accrual information through best estimates based on an analysis of the documentation on hand.

(iii) HUD shall determine the frequency of the Financial Status Report for each project or program, considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less frequently than annually. A final report shall be required at the completion of the agreement.

(iv) HUD requires recipients to submit the SF–269 or SF–269A (an original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 calendar days for annual and final reports. Extensions of reporting due dates may be approved by HUD upon request of the recipient.


(i) When funds are advanced to recipients HUD shall require each recipient to submit the SF–272 and, when necessary, its continuation sheet, SF–272a. HUD shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement with the recipients.
(ii) HUD may require forecasts of Federal cash requirements in the “Remarks” section of the report.

(iii) When practical and deemed necessary, HUD may require recipients to report in the “Remarks” section the amount of cash advances received and retained in excess of three days. Recipients shall provide short narrative explanations of actions taken to reduce the excess balances.

(iv) Recipients shall be required to submit not more than the original and two copies of the SF–272 15 calendar days following the end of each quarter. HUD may require a monthly report from those recipients receiving advances totaling $1 million or more per year.

(v) HUD may waive the requirement for submission of the SF–272 for any one of the following reasons:

(A) When monthly advances do not exceed $25,000 per recipient, provided that such advances are monitored through other forms contained in this section;

(B) If, in HUD’s opinion, the recipient’s accounting controls are adequate to minimize excessive Federal advances; or

(C) When the electronic payment mechanisms provide adequate data.

(b) When HUD needs additional information or more frequent reports, the following shall be observed.

(1) When additional information is needed to comply with legislative requirements, HUD shall issue instructions to require recipients to submit such information under the “Remarks” section of the reports.

(2) When HUD determines that a recipient's accounting system does not meet the standards in §84.21, additional pertinent information to further monitor awards may be obtained upon written notice to the recipient until such time as the system is brought up to standard. HUD, in obtaining this information, shall comply with report clearance requirements of 5 CFR part 1320.

(3) HUD will shade out any line item on any report if not necessary.

(4) HUD may accept the identical information from the recipients in machine readable format or computer printouts or electronic outputs in lieu of prescribed formats.

(5) HUD may provide computer or electronic outputs to recipients when such expedites or contributes to the accuracy of reporting.

§84.53 Retention and access requirements for records.

(a) This section sets forth requirements for record retention and access to records for awards to recipients. HUD shall not impose any other record retention or access requirements upon recipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by HUD. The only exceptions are the following.
(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by HUD, the 3-year retention requirement is not applicable to the recipient.

(4) Indirect cost rate proposals, cost allocation plans, etc. as specified in §84.53(g).

(c) Copies of original records may be substituted for the original records if authorized by HUD.

(d) HUD shall request transfer of certain records to its custody from recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, HUD may make arrangements for recipients to retain any records that are continuously needed for joint use.

(e) HUD, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph (e) are not limited to the required retention period, but shall last as long as records are retained.

(f) Unless required by statute, HUD shall not place restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, except when HUD can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to HUD.

(g) Indirect cost rate proposals, cost allocation plans, etc. Paragraphs (g)(1) and (g)(2) of this section apply to the following types of documents, and their supporting records—indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) If submitted for negotiation. If the recipient submits to HUD or the subrecipient submits to the recipient the proposal, plan, or other computation to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts on the date of such submission.

(2) If not submitted for negotiation. If the recipient is not required to submit to HUD or the subrecipient is not required to submit to the recipient the proposal, plan, or other computation for negotiation purposes, then the 3-year retention period for the proposal, plan, or other computation and its supporting records starts at the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Termination and Enforcement

§84.60 Purpose of termination and enforcement.

Sections 84.61 and 84.62 set forth uniform suspension, termination and enforcement procedures.
§84.61 Termination.

(a) Awards may be terminated in whole or in part only if paragraphs (a)(1), (a)(2) or (a)(3) of this section apply.

(1) By HUD, if a recipient materially fails to comply with the terms and conditions of an award.

(2) By HUD with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(3) By the recipient upon sending to HUD written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if HUD determines in the case of partial termination that the reduced or modified portion of the grant will not accomplish the purposes for which the grant was made, it may terminate the grant in its entirety under either paragraphs (a)(1) or (a)(2) of this section.

(b) If costs are allowed under an award, the responsibilities of the recipient referred to in §84.71(a), including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.

§84.62 Enforcement.

(a) Remedies for noncompliance. If a recipient materially fails to comply with the terms and conditions of an award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, HUD may, in addition to imposing any of the special conditions outlined in §84.14, take one or more of the following actions, as appropriate in the circumstances.

(1) Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by HUD.

(2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(3) Wholly or partly suspend or terminate the current award.

(4) Withhold further awards for the project or program.

(5) Take other remedies that may be legally available.

(b) Hearings and appeals. In taking an enforcement action, HUD shall provide the recipient an opportunity for hearing, appeal, or other administrative proceeding to which the recipient is entitled under any statute or regulation applicable to the action involved.

(c) Effects of suspension and termination. Costs of a recipient resulting from obligations incurred by the recipient during a suspension or after termination of an award are not allowable unless HUD expressly authorizes them in the notice of suspension or termination or subsequently. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if paragraphs (c)(1) and (c)(2) of this section apply.

(1) The costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are noncancellable.

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.
(d) *Relationship to debarment and suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under E.O.s 12549 and 12689 and HUD’s implementing regulations at 24 CFR part 24 (see §84.13).

**Subpart D—After-the-Award Requirements**

**§84.70 Purpose.**

Sections 84.71 through 84.73 contain closeout procedures and other procedures for subsequent disallowances and adjustments.

**§84.71 Closeout procedures.**

(a) Recipients shall submit, within 90 calendar days after the date of completion of the award, all financial, performance, and other reports as required by the terms and conditions of the award. HUD may approve extensions when requested by the recipient.

(b) Unless HUD authorizes an extension, a recipient shall liquidate all obligations incurred under the award not later than 90 calendar days after the funding period or the date of completion as specified in the terms and conditions of the award or in HUD instructions.

(c) HUD shall make prompt payments to a recipient for allowable reimbursable costs under the award being closed out.

(d) The recipient shall promptly refund any balances of unobligated cash that HUD has advanced or paid and that is not authorized to be retained by the recipient for use in other projects. OMB Circular A-129 governs unreturned amounts that become delinquent debts.

(e) When authorized by the terms and conditions of the award, HUD shall make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.

(f) The recipient shall account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§84.31 through 84.37.

(g) In the event a final audit has not been performed prior to the closeout of an award, HUD shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

**§84.72 Subsequent adjustments and continuing responsibilities.**

(a) The closeout of an award does not affect any of the following.

(1) The right of HUD to disallow costs and recover funds on the basis of a later audit or other review.

(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions.

(3) Audit requirements in §84.26.

(4) Property management requirements in §§84.31 through 84.37.

(5) Records retention as required in §84.53.

(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of HUD and the recipient, provided the responsibilities of the recipient referred to in §84.73(a), including those for property
management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.  

§84.73 Collection of amounts due.

(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, HUD may reduce the debt by paragraphs (a)(1), (a)(2) or (a)(3) of this section.

1) Making an administrative offset against other requests for reimbursements.

2) Withholding advance payments otherwise due to the recipient.

3) Taking other action permitted by statute.

(b) Except as otherwise provided by law, HUD shall charge interest on an overdue debt in accordance with 4 CFR Chapter II, “Federal Claims Collection Standards.”

Subpart E—Use of Lump Sum Grants

§84.80 Conditions for use of Lump Sum (fixed price or fixed amount) grants.

(a) Heads of awarding activities (HAAs) shall determine and publish the funding arrangement for award programs having a published program regulation or Notice of Funding Availability. For other awards, discretion may be provided to Grant Officers to determine the funding arrangement on a transaction basis. In such cases, Grant Officers shall document the basis for selection of the funding arrangement in the negotiation record. Appropriate consideration to fixed amount (lump sum) awards shall be made if one or more of the following conditions are present:

1) The HUD funding amount is definitely less than the total actual cost of the project.

2) The HUD funding amount does not exceed $100,000 or the small purchase threshold fixed at 41 U.S.C. 403 (11), whichever is greater.

3) The project scope is very specific and adequate cost, historical, or unit pricing data is available to establish a fixed amount award with assurance that the recipient will realize no increment above actual cost.

(b) [Reserved]

§84.81 Definition.

(a) A lump sum award is an award for a predetermined amount, as set forth in the grant agreement, which amount does not vary with the amount of the recipient's actual incurred costs. Under this type of award, HUD does not pay the recipient for its incurred costs but rather for completing certain defined events in the work or achievement of some other well-defined milestone. Some of the ways in which the grant amount may be paid are, but are not limited to:

1) In several partial payments, the amount of each agreed upon in advance, and the “milestone” or event triggering the payment also agreed upon in advance, and set forth in the grant;

2) On a unit price basis, for a defined unit or units (such as a housing counseling unit), at a defined price or prices, agreed to in advance of performance of the grant and set forth in the grant; or,
(3) In one payment at grant completion.

(b) The key distinction between a lump sum and a cost reimbursement grant is the lack of a direct relationship between the costs incurred by the recipient and the amount paid by HUD in the lump sum arrangement.

§84.82 Provisions applicable only to lump sum grants.

In addition to the provisions of this subpart E, subparts A and B of this part apply to lump sum grants.

(a) Financial and program management. Paragraphs (b) through (e) of this section prescribe standards for financial management systems, methods for making payments, budget revision approvals, and making audits.

(b) Standards for financial management systems. (1) Records that identify adequately the source and application of funds for federally-sponsored activities are required. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.

(2) Effective control over and accountability for all funds, property and other assets are required. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.

(3) Comparison of outlays with budget amounts for each award is required. Whenever appropriate, financial information should be related to performance and unit cost data.

(4) Where HUD guarantees or insures the repayment of money borrowed by the recipient, HUD, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

(5) HUD may require adequate fidelity bond coverage where the recipient lacks sufficient coverage to protect the Federal Government's interest.

(6) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, "Surety Companies Doing Business with the United States."

(c) Payment. (1) The standard governing the use of banks and other institutions as depositories of funds advanced under awards is, HUD shall not require separate depository accounts for funds provided to a recipient or establish any eligibility requirements for depositories for funds provided to a recipient. However, recipients must be able to account for the receipt, obligation and expenditure of funds.

(2) Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).

(3) Except as noted elsewhere in this part, only the following forms shall be authorized for the recipients in requesting payments. HUD shall not require more than an original and two copies of these forms.

(i) SF-270, Request for Advance or Reimbursement. HUD has adopted the SF-270 as a standard form for all nonconstruction programs when electronic funds transfer or predetermined advance methods are not used. The SF-270 shall also be used for lump sum
payment requests. HUD, however, has the option of using this form for construction programs in lieu of the SF-271, “Outlay Report and Request for Reimbursement for Construction Programs.”

(ii) SF-271, Outlay Report and Request for Reimbursement for Construction Programs. HUD has adopted the SF-271 as the standard form to be used for requesting reimbursement for construction programs. However, HUD may substitute the SF-270 when HUD determines that it provides adequate information to meet HUD's needs.

(d) Revision of budget and program plans. (1) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon HUD requirements. It shall be related to performance for program evaluation purposes whenever appropriate.

(2) Recipients are required to report deviations from program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.

(3) For nonconstruction awards, recipients shall request prior approvals from HUD for one or more of the following program or budget related reasons.

(i) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(ii) The need for additional Federal funding.

(iii) Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

(4) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(5) Except for requirements listed in paragraphs (d)(3)(i) and (d)(3)(ii) of this section, HUD is authorized, at its option, to waive cost-related and administrative prior written approvals required by Circular A–110 and OMB Circulars A–21 and A–122. Such waivers may include authorizing recipients to do any one or more of the following.

(i) Initiate a one-time extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply. For one-time extensions, the recipient must notify HUD in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. This action may be taken unless:

(A) The terms and conditions of award prohibit the extension.

(B) The extension requires additional Federal funds.

(C) The extension involves any change in the approved objectives or scope of the project.

(6) For construction awards, recipients shall request prior written approval promptly from HUD for budget revisions whenever paragraphs (d)(6)(i) or (d)(6)(ii) of this section apply.

(i) The revision results from changes in the scope or the objective of the project or program.

(ii) The need arises for additional Federal funds to complete the project.

(7) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.
(8) When HUD makes an award that provides support for both construction and nonconstruction work, HUD may require the recipient to request prior approval from HUD before making any fund or budget transfers between the two types of work supported.

(e) Non-Federal audits. (1) Recipients and subrecipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.”

(i) Non-profit organizations subject to regulations in the part 200 and part 800 series of this title which receive awards subject to part 84 shall comply with the audit requirements of revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.” For HUD programs, a non-profit organization is the mortgagor or owner (as these terms are defined in the regulations in the part 200 and part 800 series) and not a related or affiliated organization or entity.

(ii) [Reserved]

(2) State and local governments shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 U.S.C. 7501–7507) and revised OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations.”

(3) For-profit hospitals not covered by the audit provisions of revised OMB Circular A–133 shall be subject to the audit requirements of the Federal awarding agencies.

(4) Commercial organizations shall be subject to the audit requirements of HUD or the prime recipient as incorporated into the award document.


§84.83 Property standards.

(a) Purpose of property standards. Paragraphs (b) through (g) of this section set forth uniform standards governing management and disposition of property furnished by the Federal Government whose cost was charged to a project supported by a Federal award. HUD shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal statute. The recipient may use its own property management standards and procedures provided it observes the provisions of paragraphs (b) through (g) of this section.

(b) Insurance coverage. Recipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient. Federally-owned property need not be insured unless required by the terms and conditions of the award.

(c) Real property. HUD prescribes the following requirements for recipients concerning the use and disposition of real property acquired in whole or in part under awards:

(1) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed and shall not encumber the property without approval of HUD.

(2) The recipient shall obtain written approval by HUD for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those...
under federally-sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by HUD.

(d) **Federally-owned and exempt property**—(1) **Federally-owned property**—(i) **Title to federally-owned property remains vested in the Federal Government.** Recipients shall submit annually an inventory listing of federally-owned property in their custody to HUD. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to HUD for further HUD utilization.

(ii) If HUD has no further need for the property, it shall be declared excess and reported to the General Services Administration, unless HUD has statutory authority to dispose of the property by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710 (I)) to donate research equipment to educational and non-profit organizations in accordance with E.O. 12821, “Improving Mathematics and Science Education in Support of the National Education Goals.”) Appropriate instructions shall be issued to the recipient by HUD.

(ii) **Exempt property.** When statutory authority exists, HUD has the option to vest title to property acquired with Federal funds in the recipient without further obligation to the Federal Government and under conditions HUD considers appropriate. Such property is “exempt property.” Should HUD not establish conditions, title to exempt property upon acquisition shall vest in the recipient without further obligation to the Federal Government.

(e) **Equipment.** (1) **Title to equipment** acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.

(2) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds and shall not encumber the equipment without approval of HUD. When the equipment is no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:

(i) Activities sponsored by HUD which funded the original project; then

(ii) Activities sponsored by other Federal awarding agencies.

(3) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by HUD that financed the equipment; second preference shall be given to projects or programs sponsored by other Federal awarding agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by HUD.

(4) The recipient’s property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following:

(i) Equipment records shall be maintained accurately and shall include the following information.

(A) A description of the equipment.

(B) Manufacturer’s serial number, model number, Federal stock number, national stock number, or other identification number.
(C) Source of the equipment, including the award number.

(D) Whether title vests in the recipient or the Federal Government.

(E) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.

(F) Location and condition of the equipment and the date the information was reported.

(ii) Equipment owned by the Federal Government shall be identified to indicate Federal ownership.

(iii) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.

(iv) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was owned by the Federal Government, the recipient shall promptly notify HUD.

(v) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(5) HUD may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards.

(i) The equipment shall be appropriately identified in the award or otherwise made known to the recipient in writing.

(ii) HUD shall issue disposition instructions within 120 calendar days after receipt of a final inventory. The final inventory shall list all equipment acquired with grant funds and federally-owned equipment. If HUD fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this section, as appropriate.

(iii) When HUD exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.

(f) Intangible property. (1) The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. HUD reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

(2) Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements.”

(3) Unless waived by HUD, the Federal Government has the right to paragraphs (f)(3)(i) and (f)(3)(ii) of this section.

(i) Obtain, reproduce, publish or otherwise use the data first produced under an award.

(ii) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.
(4) Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient. The recipient shall use that property for the originally-authorized purpose.

(g) Property trust relationship. Real property, equipment, intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. HUD may require recipients to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.

§84.84 Procurement standards.

(a) Purpose of procurement standards. Paragraphs (b) through (i) of this section set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by HUD upon recipients, unless specifically required by Federal statute or executive order or approved by OMB.

(b) Recipient responsibilities. The standards contained in this section do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to HUD, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

(c) Codes of conduct. The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

(d) Competition. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most
advantageous to the recipient, price, quality and other factors considered. The other factors shall include the bidder's or offeror's compliance with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), hereafter referred to as "Section 3." Section 3 provides that, to the greatest extent feasible, and consistent with existing Federal, State, and local laws, and regulations, economic opportunities generated by certain HUD financial assistance shall be directed to low- and very low-income persons. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

(e) Procurement procedures. (1) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that paragraphs (e)(1)(i), (e)(1)(ii) and (e)(1)(iii) of this section apply.

(i) Recipients avoid purchasing unnecessary items.

(ii) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the recipient.

(iii) Solicitations for goods and services provide for all of the following.

(A) A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.

(B) Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.

(C) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.

(D) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.

(E) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.

(F) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

(2) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.

(i) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

(ii) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

(iii) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

(iv) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
(v) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

(3) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The “cost-plus-a-percentage-of-cost” or “percentage of construction cost” methods of contracting shall not be used.

(4) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity; compliance with public policy, including, where applicable, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u); record of past performance; financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by agencies’ implementation of E.O.’s 12549 and 12689, “Debarment and Suspension,” as set forth at 24 CFR part 24.

(5) Recipients shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

(i) A recipient's procurement procedures or operation fails to comply with the procurement standards in HUD's implementation of Circular A–110.

(ii) The procurement is expected to exceed $100,000 or the small purchase threshold fixed at 41 U.S.C. 403 (11), whichever is greater, and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

(iii) The procurement, which is expected to exceed the small purchase threshold, specifies a “brand name” product.

(iv) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

(f) Cost and price analysis. Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

(g) Procurement records. Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:

(1) Basis for contractor selection;

(2) Justification for lack of competition when competitive bids or offers are not obtained; and

(3) Basis for award cost or price.
(h) **Contract administration.** A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

(i) **Contract provisions.** The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

1. Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

2. All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated because of circumstances beyond the control of the contractor.

3. Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For those contracts or subcontracts exceeding $100,000, HUD may accept the bonding policy and requirements of the recipient, provided HUD has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

   (i) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

   (ii) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

   (iii) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

   (iv) Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, “Surety Companies Doing Business with the United States.”

4. All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly
pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(5) All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of Appendix A to this rule, as applicable.

§84.85 Reports and records.

(a) Purpose of reports and records. Paragraphs (b) and (c) of this section set forth the procedures for monitoring and reporting on the recipient's financial and program performance and the necessary standard reporting forms. They also set forth record retention requirements.

(b) Monitoring and reporting program performance. (1) Recipients are responsible for managing and monitoring each project, program, subaward, function or activity supported by the award. Recipients shall monitor subawards to ensure subrecipients have met the audit requirements as delineated in §84.82(e).

(2) The Federal awarding agency shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in paragraph (b)(6) of this section, performance reports shall not be required more frequently than quarterly or less frequently than annually. Annual reports shall be due 90 calendar days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. The Federal awarding agency may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.

(3) If inappropriate, a final technical or performance report shall not be required after completion of the project.

(4) When required, performance reports shall generally contain, for each award, brief information on each of the following:

(i) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(ii) Reasons why established goals were not met, if appropriate.

(5) Recipients shall not be required to submit more than the original and two copies of performance reports.

(6) Recipients shall immediately notify HUD of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(7) HUD may make site visits, as needed.

(8) HUD shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

(c) Retention and access requirements for records. (1) This paragraph (c) sets forth requirements for record retention and access to records for awards to recipients. Federal
awarding agencies shall not impose any other record retention or access requirements upon recipients.

(2) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by HUD. The only exceptions are the following.

(i) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

(ii) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(iii) When records are transferred to or maintained by the Federal awarding agency, the 3-year retention requirement is not applicable to the recipient.

(3) Copies of original records may be substituted for the original records if authorized by HUD.

(4) HUD shall request transfer of certain records to its custody from recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, HUD may make arrangements for recipients to retain any records that are continuously needed for joint use.

(5) HUD, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph (c)(5) are not limited to the required retention period, but shall last as long as records are retained.

(6) Unless required by statute, HUD shall not place restrictions on recipients that limit public access to the records of recipients that are pertinent to an award, except when HUD can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to HUD.

§84.86 Termination and enforcement.

(a) Termination. (1) Awards may be terminated in whole or in part only if paragraphs (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this section apply.

(i) By HUD, if a recipient materially fails to comply with the terms and conditions of an award.

(ii) By HUD with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(iii) By the recipient upon sending to HUD written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if HUD determines in the case of partial termination that the reduced or modified portion of the grant will not accomplish the purposes for which the grant was made, it
may terminate the grant in its entirety under either paragraphs (a)(1)(i) or (a)(1)(ii) of this section.

(2) If costs are allowed under an award, the responsibilities of the recipient referred to in §84.87(a)(1), including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.

(3) If costs are allowed, the cost principles in §84.27 apply, even though the award was made on a lump-sum basis. Alternatively, a termination settlement may be reached by prorating the grant amount against the percentage of completion or by some other method as determined by the Grant Officer, as long as the method used results in an equitable settlement to both parties.

(b) Enforcement. (1) Remedies for noncompliance. If a recipient materially fails to comply with the terms and conditions of an award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, HUD may, in addition to imposing any of the special conditions outlined in §84.14, take one or more of the following actions, as appropriate in the circumstances.

(i) Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by HUD.

(ii) Wholly or partly suspend or terminate the current award.

(iii) Withhold further awards for the project or program.

(iv) Take other remedies that may be legally available.

(2) Hearings and appeals. In taking an enforcement action, HUD shall provide the recipient an opportunity for hearing, appeal, or other administrative proceeding to which the recipient is entitled under any statute or regulation applicable to the action involved.

(3) Effects of suspension and termination. Costs of a recipient resulting from obligations incurred by the recipient during a suspension or after termination of an award are not allowable unless HUD expressly authorizes them in the notice of suspension or termination or subsequently. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if paragraphs (b)(3)(i) and (b)(3)(ii) of this section apply.

(i) The costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are noncancellable.

(ii) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(4) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under E.O.s 12549 and 12689 and HUD’s implementing regulations at 24 CFR part 24 (see §84.13).

§84.87 Closeout procedures, subsequent adjustments and continuing responsibilities.

(a) Closeout procedures. (1) Recipients shall submit, within 90 calendar days after the date of completion of the award, all financial, performance, and other reports as required by the terms and conditions of the award. HUD may approve extensions when requested by the recipient.
(2) The recipient shall account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§84.83(b) through (g).

(b) Subsequent adjustments and continuing responsibilities. (1) The closeout of an award does not affect any of the following:

(i) Audit requirements in §84.26.

(ii) Property management requirements in §§84.83(b) through (g).

(iii) Records retention as required in §84.53.

(2) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of HUD and the recipient, provided the responsibilities of the recipient are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

Appendix A to Part 84—Contract Provisions

All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:


2. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c)—All contracts and subgrants in excess of $2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to HUD.

3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)—When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than $2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, “Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction”). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to HUD.

4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327 through 333)—Where applicable, all contracts awarded by recipients in excess of $2000 for construction contracts and in excess of $2500 for other contracts that involve the employment of mechanics or
laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. Rights to Inventions Made Under a Contract or Agreement—Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by HUD.

6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended—Contracts and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to HUD and the Regional Office of the Environmental Protection Agency (EPA).


8. Debarment and Suspension (E.O.s 12549 and 12689)—No contract shall be made to parties listed on the General Services Administration’s List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension,” as set forth at 24 CFR part 24. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

9. Drug-Free Workplace Requirements—The Drug-Free Workplace Act of 1988 (42 U.S.C. 701) requires grantees (including individuals) of federal agencies, as a prior condition of being awarded a grant, to certify that they will provide drug-free workplaces. Each potential recipient must certify that it will comply with drug-free workplace requirements in accordance with the Act and with HUD’s rules at 24 CFR part 24, subpart F.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>Cranston-Gonzales National Affordable Housing Act of 1990</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans With Disability Act</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<tr>
<td>AMI</td>
<td>Area Median Income</td>
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<tr>
<td>AP</td>
<td>Action Plan</td>
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<tr>
<td>APR</td>
<td>Annual Performance Report</td>
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<tr>
<td>CAPER</td>
<td>Consolidate Annual Performance and Evaluation Report</td>
</tr>
<tr>
<td>CBDO</td>
<td>Community-Based Development Organization</td>
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<td>CDBG</td>
<td>Community Development Block Grant (CDBG)</td>
</tr>
<tr>
<td>CFDA</td>
<td>Catalog of Federal Domestic Assistance (Grant numbers)</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CHDO</td>
<td>Community Housing Development Organization (HOME)</td>
</tr>
<tr>
<td>CLV</td>
<td>City of Las Vegas</td>
</tr>
<tr>
<td>CPD</td>
<td>(Office of) Community Planning &amp; Development (HUD)</td>
</tr>
<tr>
<td>DPA</td>
<td>Down Payment Assistance</td>
</tr>
<tr>
<td>EA/ER</td>
<td>Environmental Assessment/Environmental Review</td>
</tr>
<tr>
<td>EEO</td>
<td>Equal Employment Opportunity</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>EMSA</td>
<td>Eligible Metropolitan Statistical Area (HOPWA)</td>
</tr>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
</tr>
<tr>
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<td>Emergency Shelter Grant Program</td>
</tr>
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<td>EZ/EC</td>
<td>Empowerment Zone/Enterprise Community</td>
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<td>Fair Housing Equal Opportunity</td>
</tr>
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<td>FMR</td>
<td>Fair Market Rents</td>
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<td>Fiscal Year</td>
</tr>
<tr>
<td>GPR</td>
<td>Grantee Performance Report</td>
</tr>
<tr>
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<td>HUD Adjusted Median Family Income</td>
</tr>
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<td>HUD Consolidated Plan</td>
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<td>Housing Opportunities for People With Aids</td>
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<td>Housing Quality Standards</td>
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<td>IDIS</td>
<td>Integrated Disbursement and Information System</td>
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<td>Low Income Housing Trust Fund</td>
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<td>Minority and Women Owned Business</td>
</tr>
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<td>Memorandum of Understanding</td>
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<td>Nevada Revised Statutes</td>
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</tr>
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</tr>
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</tr>
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<td>Request for Qualifications</td>
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<td>Single-Room Occupancy</td>
</tr>
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<td>Short Term Rental Utility Assistance</td>
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