

# Housing Opportunities for Persons with AIDS (HOPWA-CV) (“CARES Act”)

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**Administering Agency:** Office of HIV/AIDS Housing (OHH) in HUD’s Office of Community Planning and Development (CPD)

**Law:** “Coronavirus Aid, Relief, and Economic Security Act (CARES Act),” Public Law 116-136

**Year Started:** 2020

**Population Targeted:** Low-income people with HIV/AIDS and their families

**Funding:** \$65 Million

The “Housing Opportunities for Persons with AIDS CARES Act “(HOPWA-CV) supplemental provides funding to eligible recipients to address the housing needs of persons living with HIV/AIDS and their families related to coronavirus disease.

## THE “CARES ACT”

The “CARES Act” provided a total of \$65 million in one-time supplemental grant awards to existing HOPWA grantees. Of the \$65 million, \$53.7 million was allocated to existing HOPWA formula grantees including eligible states and localities, \$10 million to competitive HOPWA grantees providing permanent supportive housing, and \$1.3 million in additional HOPWA technical assistance to address immediate capacity building and technical assistance needs of HOPWA grantees. Funding was made available through the “CARES Act,” Public Law 116-136.

## HISTORY AND PURPOSE

HOPWA was created by the “AIDS Housing Opportunities Act,” a part of the “Cranston-Gonzales National Affordable Housing Act of 1990,” to provide housing assistance and related supportive services for low-income people living with HIV/AIDS and their families. Funding under the HOPWA program is distributed through

formula to eligible municipalities and states and through a competitive process. The one-time HOPWA-CV supplemental funding was awarded proportionally to existing HOPWA formula and competitive grantees. The funding was intended to provide funding for additional housing and supportive services to prevent, prepare, and respond to COVID-19. In addition to the HOPWA-CV funds, HUD has allowed grantees with approved Annual Action Plans to use FY2020 formula funds for this same purpose.

Grantees were required to amend their FY19 Action Plans describing how they anticipated using HOPWA-CV funding to prevent, prepare for, and respond to COVID-19. Grantees with approved Action Plans could use HOPWA-CV funds to provide eligible HOPWA activities as outlined in 24 CFR Part 574. HUD has allowed grantees to cover or reimburse COVID-19 preparedness and response costs incurred no earlier than January 21, 2020. Such costs may include formal planning meetings, assistance to self-isolate or quarantine, transportation, assistance in accessing essential services, and providing education on COVID prevention, and services to provide heightened cleaning for staff and assisted households.

The “CARES Act” authorized greater flexibility in the use of HOPWA eligible activities funded through HOPWA-CV including:

1. Short Term Rent, Mortgage, and Utility Payment (STRMU) use was extended to a 24-month limit;
2. Hotel/motel stays for HIV negative household members to isolate and/or quarantine, limited to 60 days in a six-month period; and
3. Increased administrative costs to six percent for grantees and ten percent for project sponsors. In addition, the Office of HIV/AIDS Housing has allowed for programmatic flexibility under the “CARES Act,” especially in

the use of supportive services.

The [HOPWA/COVID-19 Activity/Cost Eligibility](#) chart provides a side-by-side comparison of eligible activities and associated requirements funded through HOPWA -CV, FY2020 HOPWA, or through standard HOPWA program funds.

## HUD GUIDANCE AND WAIVERS

The HOPWA-CV supplemental funding and HUD waivers allow for greater flexibility in the use of HOPWA funds. HUD's [HOPWA Guidance for COVID-19 Resource Page](#) contains information regarding waivers, FAQs, and other guidance. Resources of note include:

The May 4, 2020 [memo](#) granted a waiver for Consolidated Plan amendments with instructions on how a grantee may submit an amendment for allocated ESG-CV and HOPWA-CV funds. The expedited process allows a grantee to incorporate ESG-CV and HOPWA-CV funds within the most recent annual action plan, including a 2019 annual action plan.

On May 19, 2020, a [memo](#) authorized and explained a waiver of the regulatory requirement at 24 CFR 91.520(a), that within 90-days of the end of a jurisdiction's program year a grantee shall submit to HUD a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER).

To further support communities, HUD offered several waivers to regulatory requirements for HOPWA grantees. Grantees were required to inform HUD as to which waivers they were choosing to implement and then create policies and procedures for implementation. The available waivers can be found at the links below:

**Mega-Waiver 1:** [CPD Memo: Availability of Waivers of CPD Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by Covid-19 for CoC, ESG, and HOPWA](#)

- Self-Certification of Income and Credible Information on HIV Status.
- Fair Market Rent (FMR) Standard for Tenant-Based Rental Assistance (TBRA).

- Property Standards for TBRA (relates to initial inspections).
- HOPWA Space and Security.

**Mega-Waiver 2:** [CPD Memo: Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Cause by COVID-19](#)

- FMR Rent Standard – HOPWA Rental Assistance (covers TBRA + all rental).
- Property Standards – HOPWA (covers TBRA AND all rental housing; relates to initial inspections).
- Time Limits for Short-Term Supported Housing Facilities and STRMU.

Additionally, on June 4, 2020, an [FAQ](#) was released to provide guidance on Section 4024 of the CARES Act, which imposed a temporary moratorium on evictions, and its effect on the HOPWA program.

Other resources and guidance released by HUD [includes HOPWA IDIS Set-Up and Draw Instructions for "CARES Act" Grant, HOPWA/ COVID-19: STRMU Funding Options, and COVID-19 Related Policy Development for HOPWA Grantees.](#)

To address the expected surge of COVID-19 rates in the 2021 winter season, HUD released the [Responding to COVID-19 Surges: A 2021 HOPWA Program Resource Guide](#). This guide highlights best practices, updated HOPWA guidance, and COVID-19 resources.

In March ([CPD Memo: Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#)) and June 2021 ([CPD Memo: Availability of Additional Waivers for CPD Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#)) HUD released additional waivers for CPD programs, including the HOPWA program. The waivers include flexibility in documentation of income, housing quality inspections, recertification, case management,

lease requirements, among other provisions.

In December 2021, HUD also released [CPD Memo: Availability of Additional Waivers for Community Planning and Development \(CPD\) Grant Programs to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19](#). The memo further extends regulatory flexibility approval in meeting property standards requirements, Fair Market Rent (FMR) standards, and space and security requirements.

## FOR MORE INFORMATION

National HIV & AIDS Housing Technical Assistance and Capacity Building, Collaborative Solutions 205-939-0411, [www.collaborative-solutions.net](http://www.collaborative-solutions.net).

National HIV & AIDS Housing Advocacy, National AIDS Housing Coalition (NAHC), 202-377-0333, [www.nationalaidshousing.org](http://www.nationalaidshousing.org).

Housing Opportunities for Persons with AIDS (HOPWA), HUD Exchange, <https://www.hudexchange.info/programs/hopwa/>.

HOPWA Guidance for COVID-19. <https://www.hudexchange.info/programs/hopwa/covid-19/#resources-and-guidance>.

HUD Ask a Question (AAQ). <https://www.hudexchange.info/program-support/my-question/>.