



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

SAMUEL D. ROBERTS
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

REQUEST FOR PROPOSALS

Housing Opportunities for Persons With AIDS (HOPWA)

RFP Release Date: June 19, 2018

RFP Due Date: August 03, 2018 3:00 pm

Designated Contact:

Name: Kaitlin Hallissey

Agency: Office of Temporary & Disability Assistance

Title: Program Manager

Address: 40 N. Pearl St. Suite 10C Albany, NY 12243-0001

Phone/Email: (518) 474-8407 / Kaitlin.Hallissey@otda.ny.gov

Housing Opportunities for Persons With AIDS (HOPWA)

Request for Proposals

Timeline of Key Events:

Event:	Date:
Request for Proposals Release	June 19, 2018
Deadline to Submit Questions	July 6, 2018
Proposed Date of Answers (on or about)	July 13, 2018
Proposals Due	August 03, 2018
Award(s) Announced	September 2018
Contract Start Date	January 1, 2019
Contract End Date	December 31, 2023

Inquiries:

Any questions about this RFP must be submitted in writing by 3:00pm on Thursday, July 6, 2018, to the attention of Kaitlin Hallissey at the New York State Office of Temporary and Disability Assistance, Bureau of Housing and Support Services, 40 North Pearl Street, Floor 10C, Albany, New York 12243 or e-mail to servicesRFP.qanda@otda.ny.gov.

All questions must be typed. Along with your question(s), provide your name, organization, mailing address, email, and fax number. Questions must be submitted prior to the 3:00pm Thursday, July 6, 2018 deadline.

The written responses to all questions will be posted at www.otda.ny.gov. The NYS Office of Temporary and Disability Assistance will not entertain questions via telephone. Any question received after the specified deadline may be answered at the discretion of OTDA and if answered would be published in the Question and Answer document.

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I. INTRODUCTION

The New York State Office of Temporary and Disability Assistance (hereinafter "OTDA") announces a funding opportunity for the Housing Opportunities for Persons With AIDS (HOPWA) program. OTDA is requesting proposals from non-profit organizations and public housing agencies for funding to provide housing and related support services to low-income persons with AIDS or HIV-related illnesses and their families.

This RFP is issued pursuant to 24 Code of Federal Regulations (CFR) Part 574, entitled Housing Opportunities for Persons with AIDS (see Attachment B). The U.S. Department of Housing and Urban Development (HUD) annually allocates HOPWA funding to New York State. Funding of contracts under this RFP is contingent upon actual availability of Federal HOPWA funds and New York State legislative appropriation. Contracts awarded under HOPWA are 100% federally funded and HOPWA has a catalog of federal assistance (CFDA) number of 14.241.

While applicants may request funds through this New York State RFP for a number of different activities, priority will be given to proposals that will result in the continued or expanded availability of housing units and support services for persons with HIV/AIDS. Potential applicants should carefully review the attached HOPWA regulations before drafting their application in order to assure consistency with the regulations.

Funding under this RFP is primarily reserved for applications to serve areas of the State that do not receive direct HOPWA allocations from HUD. OTDA's goal is to reach geographic areas where persons with HIV/AIDS are underserved and fill the housing and support services gaps that cannot be funded through other sources. (Please see Section II – Eligible Applicants.) Because of the limited HOPWA funds available to New York State, applicants must demonstrate that funds are either not available from other sources to support the proposed activities or that HOPWA dollars are required to supplement the proposed activities.

Agencies applying for continued HOPWA funding must demonstrate the direct, positive impact their program has had on the availability of housing and support services.

If selected, the proposal or parts of it submitted in response to this RFP will become part of a contract with OTDA subject to approval by the New York State Attorney General and the Office of the State Comptroller. At the time of contract development, awardees will be required to submit additional budget and program information for the contract.

Successful applicants will be required to be prequalified through New York State's Grant Reform initiative, inclusive of the establishment of a data vault. For more information on Grants Reform please visit www.grantsreform.ny.gov. Successful applicants are also required to register with the NYS Office of the State Comptrollers Vendor Responsibility Program which can be found at the following address: <http://www.osc.state.ny.us/vendrep/enroll.htm>. In addition, Workers Compensation coverage, Disability coverage, and registration or exemption status with the Attorney General's Charities Bureau are required.

Successful applicants must certify that they will abide by all applicable State and Federal laws, regulations, and requirements, including the State's HIV confidentiality laws.

Applications must be submitted electronically through Grants Gateway at <https://grantsgateway.ny.gov>. Further information and instruction will be sent to successful contractors.

II. ELIGIBLE APPLICANTS

Non-profit organizations and public housing agencies may submit applications under this RFP. Applications may be made by one organization or by two or more organizations acting together. In the latter instance, a lead agency must be clearly identified.

While the Federal funds made available directly to New York State for distribution statewide are quite limited (approximately \$2.8 million), the Federal Fiscal Year 2017 HOPWA funding formula resulted in direct allocations to the following localities within New York State:

- \$44,197,111 to the City of New York to be shared with Westchester, Orange, and Rockland Counties and the City of New Rochelle;
- \$1,971,873 to the City of Islip to be shared with Nassau and Suffolk Counties;
- \$785,820 to the City of Rochester to be shared with Monroe, Genesee, Livingston, Orleans, and Ontario Counties;
- \$635,722 to the City of Buffalo to be shared with Erie and Niagara Counties
- \$562,763 to the City of Albany to be shared with Albany, Rensselaer, Schenectady, Montgomery, Schoharie and Saratoga Counties;

Potential applicants intending to serve clients who reside in the above listed municipalities and/or counties are not eligible to apply for funding under this RFP, unless they are prohibited from applying for funds through one of the above-listed municipalities, or if they can clearly demonstrate that the need for HOPWA funds exceeds the availability of existing funding to address the need. In addition, applicants whose headquarters are located in the above-listed municipalities and/or counties but are intending to serve clients who reside outside those areas are eligible to apply. Organizations wishing to serve persons residing in the above-listed areas are urged to contact the appropriate local government agencies regarding the availability of funding. If an applicant is located in one of the above listed areas, they must clearly explain why they are prohibited from applying for direct Federal allocation funds, clearly show there is an unmet need, or clearly show they are serving clients outside of the areas receiving a direct Federal allocation.

Per its Memorandum of Understanding (MOU) with the City of Syracuse and HUD, OTDA will ensure that at minimum the amount that would have been directly allocated to the City of Syracuse (\$333,853 for Federal Funding Year 2017) of the approximately \$2.8 million awarded to New York State is made available to agencies serving an eligible population residing in the City of Syracuse.

III. PREQUALIFICATION IN GRANTS GATEWAY

All non-profits are subject to the Prequalification Requirement in Grants Gateway.

Pursuant to the New York State Division of Budget Bulletin H-1032, dated June 7, 2013, New York State has instituted key reform initiatives to the grant contract process which requires non-profits to register in Grants Gateway and complete the Vendor Prequalification process in order for proposals to be considered and evaluated. Information on these initiatives can be found on the [Grants Reform Website](#).

Below is a summary of the steps that must be completed to meet registration and prequalification requirements. The [Vendor Prequalification Manual](#) on the Grants Reform Website details the requirements and an online tutorial are available to walk users through the process.

1. Register for the Grants Gateway.

On the Grants Reform Website, download a copy of the [Registration Form for Administrator](#). A signed, notarized original form must be sent to the Division of Budget at the address provided in the instructions. You will be provided with a Username and Password allowing you to access the Grants Gateway.

If you have previously registered and do not know your Username please email grantsreform@budget.ny.gov . If you do not know your password, please click the [Forgot Password](#) link from the main log in page and follow the prompts.

2. Complete your Prequalification Application.

- Log in to the [Grants Gateway](#). **If this is your first time logging in**, you will be prompted to change your password at the bottom of your Profile page. Enter a new password and click SAVE.
- Click the *Organization(s)* link at the top of the page and complete the required fields including selecting the State agency you have the most contracts with. If you do not have contracts with a State agency, select OTDA. This page should be completed in its entirety before you SAVE. A *Document Vault* link will become available near the top of the page. Click this link to access the main Document Vault page.
- Answer the questions in the *Required Forms* and upload *Required Documents*. This constitutes your Prequalification Application. Optional Documents are not required unless specified in this Request for Proposal.
- Specific questions about the prequalification process should be referred to your agency representative or to the Grants Reform Team at grantsreform@budget.ny.gov.

3. Submit Your Prequalification Application

After completing your Prequalification Application, **click the Submit Document Vault** link located below the Required Documents section in order to submit your Prequalification Application for State agency review. Once submitted the status of the Document Vault will change to *In Review*.

If your Prequalification reviewer has questions or requests changes you will receive an email notification from the Gateway system. Once your Prequalification Application has been approved, you will receive a Grants Gateway notification that you are now prequalified to do business with New York State.

IV. PROGRAM DESCRIPTION/ELIGIBLE ACTIVITIES

All applicants receiving funds will be required, by contract, to comply with the Federal regulations governing this program. These regulations are found at 24 CFR Part 574, and are attached to this RFP as Attachment A. OMB Circulars A-110 and A-122, which apply to non-profit organizations receiving Federal funds and who are applying for funding under this RFP, are available upon request and will be provided to all successful applicants. The Federal regulations list several basic program activities that are eligible for funding under HOPWA.

Activities eligible for funding under OTDA's HOPWA program have been grouped into two categories:

Group 1 – High Priority Activities (See below for details and limitations)

- a. Tenant-Based Rental Assistance (TBRA)
- b. Support Service Case Management/Housing Case Management (**with** HOPWA housing)
- c. Short-Term Rent/Mortgage/Utility Payments (STRMU)
- d. Permanent Housing Placement (PHP)

Group 2 – Lower Priority Activities (See below for details and information)

- e. Support Service Case Management/ Housing Case Management (**without** HOPWA housing)
- f. Housing Information and Referral Services
- g. Facility Based Housing Assistance (FBHA)
- h. Resource Identification

The State will not make use of its limited HOPWA funds for new construction, acquisition, minor rehabilitation, or conversion of housing sites, even though these activities are eligible under the Federal regulations. Contracts for capital development activities are available through the OTDA's Homeless Housing and Assistance Program (HHAP) and other New York State sources.

Funding priority will be given to proposals that:

- Continue programs that have a demonstrated track record of success in providing eligible services;
- Place a specific emphasis on providing employment/vocational services;
- Result in the continuation or expansion of housing units available to low-income persons with HIV/AIDS and their families;
- Serve geographic areas in which persons with HIV/AIDS are underserved;
- Fill gaps in the continuum of housing and support services that cannot be funded through other Federal, State, local, and/or private sources; and,
- Help to create an integrated, comprehensive approach to meeting the housing needs of persons with HIV/AIDS within a given geographic area including linkages to medical care and HIV/AIDS related case management.

Several of the activities listed above may involve the use of the following types of housing and assistance, some of which must follow certain HUD guidelines and limitations on funding as well as applicable New York State guidelines.

- Community residences: Defined by HUD as a multi-unit residence designed for eligible persons to provide a lower cost residential alternative to institutional care and to provide a permanent or transitional residential setting with appropriate services. Applicants proposing to use HOPWA funds for the operation of community residences must comply with the HUD requirements listed in 24 CFR Section 574.340. (See Attachment B.)
- Single room occupancy (SRO) dwellings: HUD provides no specific guidelines for SRO units. However, New York State requires SRO units assisted with HOPWA funds to meet the minimum applicable State and/or local codes.
- Short-term supported housing: Defined by HUD (24 CFR Section 574.330) to include "facilities to provide temporary shelter." Short-term supported housing may not provide residence to any individual for more than 60 days during any six-month period or house more than 50 families or individuals at a time. Short-term or transitional housing generally is not considered a priority by New York State, unless a compelling need for such housing can be demonstrated.

- Other types of housing not listed above: HOPWA regulations do not restrict funded activities to the types of housing listed above, although other types of housing may not be deemed a priority by New York State.

The following are general guidelines and requirements for the activities that can be funded under New York State's HOPWA program.

Group 1 – High Priority Activities

Tenant-Based Rental Assistance (TBRA)

Rental assistance programs under HOPWA must meet Federal and State requirements regarding eligibility, rental payment structure, maximum subsidies, and compliance with HUD Housing Quality Standards, etc. Applicants must demonstrate that funds to assist eligible persons with rental costs are not available through other sources (e.g.: Federal Section 8 housing certificates and vouchers or Emergency Shelter Allowances from local departments of social services).

Support Service Case Management/ Housing Case Management (with HOPWA housing)

These include, but are not limited to the following services for residents of HOPWA housing: case management, employment/vocational services, crisis intervention, mental health services, drug and alcohol abuse counseling, child care, nutritional services, health and medical services, financial counseling and coordination of benefits.

Short- Term Rent/Mortgage/Utility Payments (STRMU)

Such assistance may not be provided to any individual for costs accruing over a period of more than 21 weeks in any 52-week period. (This limitation does not apply to tenant based rental assistance.) Applicants must demonstrate a plan to help eligible individuals avoid the need for ongoing short-term assistance. Utility costs can include water, sewer, gas, electric, heat, etc.

Permanent Housing Placement (PHP)

Permanent housing placement services may be used to help eligible persons establish a new residence where ongoing occupancy is expected to continue. It may be used to complement other forms of HOPWA housing assistance. For example, it can be used to adjust to changes in care needs by assisting persons transitioning from more supportive settings and programs with securing alternative housing arrangements. Costs may include fees for housing services or activities designed to assist individuals or families in locating suitable housing. This may include, counseling on tenant rights and responsibilities; assisting individuals and families to understand leases; securing utility services; making moving arrangements; paying 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 arise.

Group 2 – Lower Priority Activities

While the following activities can represent useful components of an overall housing strategy, they are a lesser priority because they may not directly expand the number of new housing units available to persons with HIV/AIDS or there may be other resources available to meet these needs.

Support Service Case Management/ Housing Case Management (without HOPWA housing)

These include, but are not limited to, the following services for persons with HIV/AIDS and their families who are not residents of HOPWA housing: case management, employment/vocational services, crisis intervention, mental health services, drug and alcohol abuse counseling, child care, nutritional services, health and medical services, financial counseling and coordination of benefits.

Facility Based Housing Assistance (FBHA)

This includes costs for maintenance, security, insurance, utilities, furnishings, equipment, staff and other operating costs for community residences and SRO's. Applicants requesting funds for operating costs must have housing units in operation whose operating costs cannot be covered by other funding sources.

Housing Information and Referral Services

Services to help individuals with HIV/AIDS locate, acquire, finance and maintain housing. Such services may include counseling, information, and referral as well as fair housing counseling to address housing discrimination. Applicants proposing this activity must demonstrate that the proposed services will have a significant impact on the persons served (i.e., leading to placement in permanent housing) and are services that are not available from existing providers.

Resource Identification

Activities to identify, coordinate, and develop housing assistance resources for eligible persons.

HUD has determined that the following categories of activity are not subject to the HUD environmental review process:

- Tenant-Based Rental Assistance (TBRA)
- Support Service Case Management/Housing Case Management
- Short-Term Rent/Mortgage/Utility Payments (STRMU)
- Technical assistance
- Facility Based Housing Assistance (FBHA)
- Housing Information and Referral Services
- Resource identification
- Administrative expenses

V. ELIGIBLE POPULATION

Persons eligible to receive services or assistance under HOPWA are low-income individuals with documented HIV infection, HIV-related illness, or AIDS (hereinafter "HIV/AIDS") and their families. In the case of applications proposing to provide housing information and referral services, all individuals with HIV/AIDS are eligible for services, regardless of income. For the purposes of this RFP, the definition of AIDS is that found in 24 CFR 574.3. OTDA will use the HUD definition of a "low income" person or family defined in 42 USC 12902, as one whose income does not exceed 80% of the median income for the area, as determined by the Secretary of HUD. HUD may establish other income ceilings due to varying local factors.

VI. ELIGIBLE AND INELIGIBLE SERVICES AND COSTS

Eligibility for individuals with HIV/AIDS receiving rental assistance must meet the guidelines in 24 CFR 574 found in Attachment B. Please see Section IV, Program Description/Eligible Activities for other eligible services.

Eligible costs for HOPWA shall be directly related to eligible activities (see Section IV) and shall include;

- personnel costs incurred in the provision of eligible assistance and/or support services, maintenance and operation, or administrative activities;
- other than personnel services costs directly associated with the eligible HOPWA activities, including subsidies for long-term and short-term rent assistance (see Section VI of the Application for a detailed explanation).

Ineligible costs shall include;

- **equipment** costing over \$5,000 and having a useful life greater than one year should be leased rather than purchased. If a lease option is not possible, you are required to obtain three price quotes and must receive prior approval for the purchase from OTDA.
- **mortgage payments** cannot be reimbursed under long-term rental assistance. In an emergency situation, mortgage payments may be reimbursed under short-term assistance for a term not to exceed twenty-one weeks to eligible recipients who are the owners of the mortgaged property.

Executive Order Number 38: Limits on State-funded Administrative Costs and Executive Compensation

Funds requested in support of administrative personnel are subject to Executive Order #38. Pursuant to this order, grant funds may not be used to support the salaries of administrative personnel that receive compensation in excess of \$199,000 without an approved waiver. OTDA may adjust the compensation cap annually based on appropriate factors and with the approval of the Director of the Division of Budget.

On January 18, 2012, Governor Andrew M. Cuomo issued Executive Order Number 38, "Limits on State-Funded Administrative Costs and Executive Compensation," which required that certain State agencies, including those involved in this RFP, promulgate regulations limiting State reimbursement for administrative expenses and executive compensation of service providers. Any contract awarded through this RFP will be subject to the EO 38 regulations if the awardee is a "covered provider" within the meaning of those regulations. Important Legal Notice: Based upon the April 8, 2014 decision in *Agencies for Children's Therapy Services, Inc. v. New York State Department of Health, et al.* ("ACTS"), covered providers conducting business in Nassau County need not file Executive Order 38 disclosures. For purposes of this notice, "conducting business" means having a place of business within Nassau County, providing program services or administrative services involving the use or receipt of State funds or State-authorized payments within Nassau County, or otherwise conducting business within Nassau County in relation to which executive compensation is paid. Please note that the ACTS decision is under appeal. Those affected by the ACTS decision should periodically check the EO 38 website for updates regarding any changes to this notice. <http://executiveorder38.ny.gov/>

VII. MAINTENANCE OF EFFORT

HUD regulations prohibit using funds for the replacement of other funds made available or designated by State or local governments. Applicants must clearly demonstrate that such supplantation of existing funds has not occurred.

VIII. LOCAL APPROVAL

The HOPWA regulations require the approval of local government before OTDA enters into a contract with a non-profit organization to conduct HOPWA-related activities.

A Certification of Local Approval form is included in the Pre-Submission Upload Forms (Section XV). Depending on the nature and geographic scope of the project, this form could be signed by the County Planning Office, the County Executive, the Mayor of the locality, or whatever entity is responsible for certifying the HUD Consolidated Plan in the locality. (The Consolidated Plan is a Federal mandate to coordinate planned housing activity at every level of government.)

While the completed form is required from the local government before a contract can be signed, we recognize that in rare instances it may not be available at the time of application. In such cases, the applicant must explain the circumstances in the application and describe efforts to obtain local approval. This approval must be obtained prior to execution of any contract.

IX. REPORTS AND RECORD KEEPING

Narrative and tabular data reports will be required on at least a quarterly basis. These will describe the progress of HOPWA activities, the numbers of individuals and families served, and continuing needs for services. A reporting format will be distributed to funded grantees.

Contractors must ensure that books, case management records, documents and other evidence associated with expenses of the grant are maintained. These records must document all costs of materials, equipment, supplies, services, building costs and all other costs and expenses for which reimbursement are claimed or payment is made under the grant. All expenditures shall be reported on an accrual basis.

All records pertaining to this contract including financial audits, budget, plans/drafts, supporting documents, statistical records, etc., must be retained for a period of at least six (6) years following submission of the final expenditure report.

Contractors shall provide OTDA or its designees access to program sites and records during the course of the project. Failure to do so may result in immediate termination of the contract.

In the event that any claim, audit, litigation or State/Federal investigation is commenced before the expiration of the aforementioned record retention period, the records must be retained by the contractor until all claims or findings regarding the records are finally resolved.

OTDA or its designees shall have access to any records relevant to the project, including books, documents, photographs, correspondence, and records to make audit, examinations, transcripts, and excerpts. If OTDA determines that such records possess long term or historic value, they must, upon request of OTDA, be transferred to OTDA.

To the extent permitted by Federal law and regulation, OTDA may, at its own discretion, make advance payments to the Contractor of up to 25%, upon the submission of sufficient

justification. Said advance may be eligible for payment only upon approval by the Attorney General and by the Comptroller of the State of New York and upon the submission to OTDA by the Contractor of a properly executed State of New York Standard Voucher in a form acceptable to OTDA and to the Comptroller of the State of New York. Any unexpended advance balance at the end of the contract period will be refunded by the Contractor to OTDA. In the event either party terminates the contract prior to its expiration, the Contractor agrees to refund to OTDA immediately any outstanding advance balance.

X. GENERAL TERMS AND CONDITIONS

Contracts resulting from this RFP will commence on or about January 1, 2019. This RFP governs the provision of HOPWA for a five (5) year contract cycle to be funded annually for one (1) year budget periods. All contract funding will be dependent upon the availability of continued HOPWA funding, the need for the services, satisfactory performance and at the sole discretion of OTDA. OTDA will conduct a review of all prospective contractors to provide reasonable assurances that the vendor is responsible. Vendor Responsibility will be determined regarding each bidder or offeror's authority to do business in New York, their business integrity, as well as financial and organizational capacity, and performance history.

Successful contractors will be required to submit all final contract documents, narratives and budgets electronically. The following will be incorporated into any contracts resulting from this RFP

- The Master Contract
- Attachment A-1 (OTDA and HOPWA Program terms and conditions)
- Attachment A-2 Federal Terms and Conditions
- Attachment B-1 (expenditure based budget)
- Attachment C (workplan)
- Attachment D (payment and reporting schedule)

As referenced in Sections IV J-K of the Master Contract and Attachment A-1, Equal Opportunities for minorities and women apply as do Minority and Women-Owned Business Enterprise goals on discretionary expenses.

The terms and conditions specified in a detailed contract must be signed by OTDA and approved by New York State's Attorney General's Office and the Office of the State Comptroller before any work is begun or payments made. **Please note that no services may be reimbursed until a contract has been fully executed.**

Participation Opportunities For New York State Certified Service-Disabled Veteran Owned Businesses

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further integrating such businesses into New York State's economy. OTDA recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of OTDA contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider

SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, OTDA conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidder/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

Contractor Requirements and Procedures for Participation By New York State-Certified Minority and Women-Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women and Workforce Utilization Reporting

New York State Law And New York State Executive Order

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, OTDA is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OTDA contracts. Executive Order No. 162 requires OTDA to monitor and submit Workforce Utilization Reports associated with Contractors performing work in New York State.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, OTDA hereby establishes an overall goal of 30% for MWBE participation, 15% percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and 15% percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that OTDA may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how OTDA will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. [FOR CONSTRUCTION CONTRACTS – The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE]. [FOR ALL OTHER CONTRACTS - The portion of a contract with an MWBE serving as a broker

that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract].

In accordance with 5 NYCRR § 142.13, the respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and OTDA may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, a respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at <https://ny.newnycontracts.com>, provided, however, that a respondent may arrange to provide such evidence via a non-electronic method by contacting the Contract's program manager at OTDA.

Additionally, a respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

- An MWBE Utilization Plan with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to OTDA for review and approval.

OTDA will review the submitted MWBE Utilization Plan and advise the respondent of OTDA acceptance or issue a notice of deficiency within 30 days of receipt.

- If a notice of deficiency is issued, the respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OTDA a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by OTDA to be inadequate, OTDA shall notify the respondent and direct the respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the bid or proposal.

OTDA may disqualify a respondent as being non-responsive under the following circumstances:

- If a respondent fails to submit an MWBE Utilization Plan;
- If a respondent fails to submit a written remedy to a notice of deficiency;
- If a respondent fails to submit a request for waiver; or
- If OTDA determines that the respondent has failed to document good faith efforts.

The successful respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award

may be made at any time during the term of the Contract to OTDA, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful respondent will be required to submit a quarterly M/WBE Contractor Compliance & Payment Report to OTDA, by the 7th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the respondent agrees with all of the terms and conditions of [Appendix A – Standard Clauses for All New York State Contracts including Clause 12 - Equal Employment Opportunities for Minorities and Women OR Authority equivalent to Appendix A]. The respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, Form OTDA-4970, to OTDA with its bid or proposal.

If awarded a Contract, respondent shall submit form OTDA-4971 Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by OTDA on a QUARTERLY basis during the term of the Contract. The Workforce Utilization Report will include demographic information as requested in the Report and the Total Compensation for all groups of employees that perform work under each Occupation Classification and Job Title.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

XI. SELECTION PROCESS

All proposals will be reviewed by OTDA staff assisted by such other State personnel as is deemed appropriate. Following the desk review of applications, several other steps may take

place to further evaluate proposals. These steps may include a telephone interview with the designated contact person in the organization; a request for additional written information or documentation, and if necessary; a site visit; and/or a face-to-face meeting with agency representatives; and/or communication with references.

Proposals will be judged on the following general criteria:

- the responsiveness of the proposal to the RFP (All information and documentation required by this RFP is provided in a manner satisfactory to determine project fundability);
- evidence that the applicant understands the support services needs of the individuals and/or families to be served, can identify the services needed to help individuals and/or families obtain their maximum degree of independence, and evidence that the applicant has the ability to provide such services successfully;
- the completeness of the Program Specific Questions, "Budget," "Work Plan" and "Upload Submission" portions of the application and provision of both statistical data and agency specific information regarding the applicant's experience with service provision to the target population;
- the clarity of the measurable and quantifiable expected results and potential for their achievement;
- the cost of the proposed project;
- the applicant's contractual performance history;
- assurances that duplication of services in the geographic area in which the HOPWA program will operate will be avoided;
- a commitment to make all HOPWA-related records available to OTDA or its designee(s) as required by this RFP and any resultant contract;
- clear and acceptable documentation of the applicant's operational readiness to proceed with the proposed project;
- the speed with which funds under this program can be expended once a contract has been executed between OTDA and the applicant. The commitment of the grantee to fully expend funds by the end of the contract term will be a critical factor in the rating;
- willingness of the applicant to adhere to all HUD guidelines and regulations regarding HOPWA; and
- an applicant's financial viability.

The following is provided as the relative weight for each section of the application packet:

Program Specific Questions and related uploads	50%
Budget and related uploads	30%
Workplan	15%
Pre-Submission uploads	5%

Regardless of score, OTDA reserves the right to fund or not fund an application based on other relevant information, such as an agency's financial position, findings or issues raised by other government funders, an agency's prequalification status in Grants Gateway, vendor responsibility determination, and/or the status of the NYS Office of the Attorney General Charities registration filing.

It is the policy of OTDA to provide all program Applicants with an opportunity to resolve complaints or inquiries related to bid solicitations or pending contract awards administratively. OTDA encourages all Applicants to seek resolution of complaints concerning the contract award process through consultation with OTDA. All such matters will be accorded impartial and timely consideration. Detailed procedures are provided on OTDA

website at Contracts-Grant Opportunities <http://otda.ny.gov/contracts/>. OTDA continues to encourage all successful or unsuccessful applicants who desire a debriefing to contact the Bureau of Housing and Support Services directly.

An appeal may be requested by following the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in the OSC Guide to Financial Operations at <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>. Go to Chapter XI Procurement and Contract Management, 17. Protest Procedures for further information.

Proposals will be evaluated on a comparative analysis basis among those received, will be reviewed and assigned an overall competitive score, will be funded based upon the application's score, and will be subject to the availability of funds.

Awards will be made in order of the highest scoring proposals until all available funds are exhausted, with the following exceptions:

1. If there are other viable proposals, no one applicant will be awarded more than 30% of the total annual available funds.
2. The lowest scoring awarded proposal may not receive the entire requested amount if there are insufficient funds remaining.
3. The requested amount may be reduced by all ineligible expenses.
4. All awards may be proportionately reduced in order to fund multiple proposals.
5. Applicants are required to develop cost effective proposals which take into consideration the cost to the State and the ability of the contractor to provide the proposed services. For those applicants seeking continued funding, past spending habits and performance may be considered when determining initial award amounts. In the event that OTDA has determined via competitive score that an existing contractor with a history of unspent contract monies should be awarded new funds under this new solicitation, OTDA reserves the right to calculate the initial award amount considering the spending history of the contractor, the reasonableness of the request and the capability of the contractor to fulfill its proposed obligations. In such an instance the new contract award amount would not exceed 125% of the contractor's average annual spending during the previous program cycle. Current contractors should thoroughly justify the need for the additional funds if requesting an amount in excess of past awards and expenditures.

OTDA reserves the right to award all, some or none of the available HOPWA funding.

XII. AWARD PROCEDURES

Upon approval of funding by OTDA, an award notice and instructions about contract development will be sent to the successful applicant. OTDA reserves the right to negotiate any aspect of a proposal in order to ensure that the final agreement meets its objectives. The awardee will be required to develop a detailed implementation plan that sets forth the program goals and provides time frames for the performance of those goals. The selected contractor will develop a plan for a five (5) year contract cycle to be funded annually for one (1) year periods (subject to approval by the New York State Attorney General and the Office of the State Comptroller), depending upon the availability of continued HOPWA funding, the need for the services, satisfactory performance, and at the sole discretion of the OTDA. For those applicants selected as a result of this Request for Proposals (RFP), subsequent years' funding may vary,

increase or decrease based on awards and appropriations. Entities not selected for funding also will be notified by mail of OTDA's decision.

Should additional funds become available, OTDA reserves the right to allocate additional funds to contractors that have attained their program goals and have expended 90% of their awarded funds by the end of an annual funding cycle, and/or to make additional awards based on the remaining proposals submitted to OTDA as a result of this RFP, in lieu of releasing a new RFP if deemed in the best interest of the State. In the event funds become available, projects would be awarded funding in a manner consistent with the award methodology set forth in this Request for Proposals. OTDA also reserves the right to solicit and accept new proposals, as funding becomes available.

Furthermore, should a contractor not expend at least 75% of the annual award amount by the end of an annual funding cycle, or should a contractor not attain 75% of their program goals by the end of an annual funding cycle, OTDA reserves the right to adjust the award amount for future years.

XIII. APPLICATION INSTRUCTIONS

The entire HOPWA Application is to be submitted in Grants Gateway. OTDA encourages all applicants to submit their applications in a timely manner so there is adequate time to respond to any errors that may occur during submission. Applications cannot be submitted in Grants Gateway after the deadline.

Eligible entities are non-profit organizations and public housing agencies subject to Prequalification Requirements. Read and follow all instructions while completing the screens in Grants Gateway. A printed version of the application appears as Attachment A.

Here are some general guidelines for navigating the Grants Gateway system:

- Log into Grants Gateway as a Grantee, Grantee Contract Signatory or Grantee System Administrator.
- Click the "Available Opportunities" button.
- From the "search by funding agency" drop-down menu, select Office of Temporary and Disability Assistance. Click "search".
- Locate HOPWA Program 2018 and click on the blue link.
- Click the "Apply for Opportunity" button.
- From the FORMS MENU, complete the forms as described on the next page. Sections from the Forms Menu do not have to be completed in any particular order. Certain forms may be left blank if they do not apply to your application, such as budget items not requested. There will be a "global warning" error if you try to submit an application without completing required forms.
- You must SAVE YOUR WORK before moving onto a new screen.
- If you do not complete the application in one session, it will be in your "tasks" box labeled "application in process". Another way to find an application in process is to click the "applications" tab at the top of the screen. Please note: those logged in as Grantees may work on the application, only those logged in as a Grantee Signatory or a Grantee System Administrator can submit the application to the State. When the application is ready for submission, click the Status Changes tab, then click the "apply status" button under "application submitted".

- To check the status of your application, click on the “Details” link. After submitting your application, the status will say “Assignment of Reviewers.” This means you have successfully submitted the application.

Other helpful information:

- There is a Grantee Application Tutorial Video available. After logging into Grants Gateway, click the “training materials” tab at the top of the screen. You may also locate the video on YouTube at:
 - <http://www.youtube.com/channel/UCYnWskVc7B3ajjOVfOHL6UA>
- Helpdesk information: Monday thru Friday 8am to 4pm
- Phone: 518-474-5595; Email: grantsgateway@its.ny.gov/
- The Grantee Quick Start Guide is available in the Pre-Submission Upload section of the application.

The following underlined headings correspond to the screens that must be completed for your HOPWA Application in Grants Gateway. Each screen is listed as a link under the Forms Menu. Click a link, complete the screen as directed, save the screen, go back to the Forms Menu and click another link. Continue in this manner until you have completed all the links/screens. Remember to ‘SAVE’ often.

Project Site Address screen - Enter your administrative office address.

Program Specific Questions screen – Provide the information requested. Narratives are limited to 4,000 characters. Questions #31-#37 request an upload, if applicable.

Budget Section - Complete the Budget section screens as directed below. Only use whole dollar amounts. Do not attempt to separate funds by HOPWA activity (listed in Section IV) in this section. This will be done on the HOPWA Budget Statement Excel upload. However, **DO** ensure that the section totals here match the section totals on the HOPWA Budget Statement Excel upload.

Personal Services - Salary screen - List all positions that provide direct service to residents and will be supported with grant funds. Each position should be entered on a separate screen. Briefly describe the role/responsibility of the position in relation to the HOPWA program, then enter the “Percentage of Time” to be spent providing HOPWA services. Click Save. Click Add to open a new screen for listing the next position.

Personal Services – Salary Narrative screen – This screen should be used only if needed to describe or explain things out of the ordinary, exceptions in staffing patterns, unusual salary costs, justification of staff funded by more than one funding source and explanation of the percent time allocated to HOPWA, including the percentage of time allocated to administrative and program activities where necessary.

Personal Services - Fringe screen - Provide a brief explanation of the percentage and composition of your fringe benefit structure. Fringe should not exceed the Office of the State Comptroller’s maximum allowable rate, currently at 59.97%. If fringe is not applicable, leave this section blank.

Personal Services - Fringe Narrative screen - This screen should be used only if needed to describe or explain things out of the ordinary, and/or unusual costs.

Contractual Services screen – List services that are provided under a formal or written agreement and will be supported with grant funds. Provide both a description of the services and justification for the services. Each type of contractual cost must be listed on its own screen and the cost justified. Only the pro-rated portion of the entire expenditure that is related to HOPWA is allowed. This line includes institutions, individuals or organizations external to the contractor which have entered into an agreement with the contractor to provide any services outlined in or associated with the HOPWA contract and whose services are to be funded under the HOPWA budget. This includes any other nonprofits performing work under the proposed HOPWA contract. All such agreements are to be bona fide written contracts: OTDA reserves the right to request these documents at any time in the future. Note, if the cost of any individual contractual service will equal or exceed \$100,000 over the HOPWA contract term, additional documentation will be required from the entity providing the contractual services.

Travel screen - This category includes travel costs for personnel listed under Personal Services Costs, participant travel and other travel expenses. Mileage costs may be reimbursed up to the NY State rate (currently the maximum rate is \$0.545 per mile). In the justification field, explain which staff will be traveling in relation to the project, the destination, purpose and frequency of the travel. Out-of-state travel is discouraged, although a contractor may pursue such travel with justification and pre-approval from OTDA.

Equipment screen - This category includes purchase, rental and leasing of equipment. Equipment is any non-consumable, tangible property having a useful life of more than one year. Substantial equipment purchases (costing more than \$5,000) should be avoided. Acquisition costs must be in accordance with NYS requirements and may be evaluated to determine if leasing is a practical and cost-effective alternative. If the only alternative is to purchase such equipment using contract funds, an applicant is required to obtain three (3) competitive bids and must receive OTDA prior approval. All things being equal, the contractor must purchase equipment from the lowest bidder. Complete the Equipment screen for requested equipment. Complete the Equipment Narrative screen if there is any substantial equipment costing more than \$5,000 per item. Requests in support of this grant category, if not with another not for profit or unit of local government, are required to demonstrate how they will use these purchases to meet MWBE goals.

Equipment Narrative screen – Provide information on bids received and provide explanation/justification as instructed.

Space/Property & Utilities Expense screen – This category includes space and utility expenses that are necessary for the project to operate successfully. List all utilities separately.

Operating Expense screen – These expenses are directly associated with the maintenance and operating of the project and its grounds. Such activities include, but are not limited to supplies, renovations/repairs, furniture, replacement costs, food and/or clothing for residents and other related activities for which a need is clearly articulated.

Other screen - This category should include grant funded program items that do not fit in the other categories such as food, postage, copies, office supplies, and administrative costs. Only the pro-rated portion of the entire expenditure that is specifically related to HOPWA is allowed. Each cost must be listed on its own screen.

- Financial Assistance
 - Tenant based rental assistance funds are available to pay on-going rental assistance subsidies for eligible recipients. Please estimate the number and type of units (e.g. one-bedroom, two bed-room) to be provided, the counties in which the units will be provided, and the size of the subsidy to be provided. Rents must adhere to the fair market rents applicable to the area in which they will be provided.
 - Short-term rental assistance funds are available to pay short-term rental assistance subsidies for eligible recipients. Please estimate the number and type of payments (e.g. rent, utilities, mortgage), and the size of the subsidy to be provided. Limitations on the duration of subsidies are listed in the HOPWA regulations.
 - Permanent Housing Placement funds are available to pay move-in costs for eligible recipients. Please estimate the number and type of payments (e.g. security deposit, first month's rent), and the size of the payment to be provided. Total placement costs cannot exceed the value of two months' rent in the new unit.

- Administrative Expenses – Not more than 7% of the HOPWA award for a given project will be available to fund administrative activities, inclusive of indirect costs, provided that the costs of such activities are sufficiently documented and can be appropriately charged to the HOPWA program. Any cost which is budgeted completely or partially in an itemized direct cost category **may not** be part of the budgeted administrative costs. For example, a portion of the Bookkeeper, Executive Director, and Program Director's salary may be considered administrative, however those associated salaries then cannot be charged in the personal services budget. The administrative cost rate **may not** include any portion of costs that are assignable to other federal, state or funding agencies.
 - If including administrative costs, please use the prefix ADM when completing the Type/Description section (i.e. ADM-Executive Director, or ADM- ExDir Fringe, or ADM- Audit Fee). Administrative activities may include, but are not limited to the following:
 - supervisory salaries and fringe benefits,
 - audit/bookkeeping,
 - office telephone,
 - postage, and
 - administrative personnel salaries and fringe for general oversight.

When budgeting for administrative salaries, only include the job title of the position, do not include the name of the individual who holds that position.

Other Narrative screen - Use this section to provide details for any staff/position listed as administrative (ADM) under Other. List the title, the annual salary, and the percentage of time spent on HOPWA administrative activities; also, include a brief description of those activities.

The following is a list and description of HUD approved HOPWA activities. Your HOPWA Budget Statement Excel upload must be broken down in terms of the activities listed below.

Tenant-based Rental Assistance Activities (TBRA) Include:

- Rent subsidy dollars

- Staff time spent assessing a client specifically for TBRA assistance and orienting the client to the program requirements
- Staff time spent on communicating with TBRA landlords
- Staff time spent processing the landlord checks
- Staff time spent traveling and to conduct housing inspections
- Staff time spent on re-assessing continued eligibility for TBRA annually
- Cost of check stock, envelopes and postage for mailing checks to landlords (even if the accounting department staff handles the process)

Short-Term Rent, Mortgage, and Utility Assistance Activities (STRMU) Include:

- The rent, mortgage, or utility dollars
- Staff time spent assessing a new client for STRMU assistance and orienting the client to the program requirements
- Staff time spent on communicating with landlords and/or utility companies
- Staff time spent on re-assessing continued eligibility for STRMU annually
- A portion of staff time spent overseeing the STRMU staff performance and processes
- Cost of check stock, envelopes and postage for mailing checks to landlords and utility companies (even if the accounting department staff handles the process)

Permanent Housing Placement (PHP) for move-in costs:

- Application fees, credit check fees and security deposits necessary to move persons into permanent housing, provided such deposits do not exceed two months of rent.
- Staff time spent assessing a new client for move-in assistance and orienting the client to the program requirements
- Staff time spent on communicating with landlords
- Staff time spent processing the landlord and/or utility company checks
- Cost of check stock, envelopes and postage for mailing checks to landlords and utility companies (even if the accounting department staff handles the process)
- Total placement costs cannot exceed the value of two months' rent in the new unit.

Facility Based Housing Assistance (FBHA) Activities Include:

- Staff time for new resident intake and move-in to unit
- Staff for grounds and building inspection and maintenance
- Staff time and equipment for building and grounds security
- Staff time spent as a cook for common meals for all residents
- Payments for facility water, sewer, garbage, and/or other utility costs
- Supplies for grounds and building maintenance
- Food and nutrition supplies for a community kitchen if food is prepared on site
- Furniture and bedding and towels and supplies for the units if the facility is short-term or transitional
- Furniture and supplies for the common areas
- TV, cable and phone for resident use in the common areas only
- Supplies for facility resident meetings and events
- Lease or minor repair of facilities to provide housing and services.
- Rent subsidy dollars
- Staff time spent assessing a client specifically for FBHA assistance and orienting the client to the program requirements
- Staff time spent processing the landlord checks
- Staff time spent on communicating with FBHA landlords

- Staff time spent traveling and to conduct housing inspections
- Staff time spent on re-assessing continued eligibility for FBHA annually
- Cost of check stock, envelopes and postage for mailing checks to landlords (even if the accounting department staff handles the process)

HOPWA Support Service Case Management/Housing Case Management (without HOPWA housing) Includes:

- Staff time spent working with the client to connect them with other benefits and employment activities other than HOPWA housing (HOPWA housing staff time is billed as a direct service delivery cost to the housing activity)
- Staff time spent on all other activities, such as counseling, transportation issues, food, school, training, budgeting etc.
- Staff time spent connecting clients to medical care and other health care services
- Staff time spent checking in with clients to assess wellbeing and ongoing needs.
- Staff time spent creating, documenting and overseeing housing and client care plans
- Staff time spent drug, alcohol and or financial counseling

HOPWA Support Service Case Management/Housing Case Management (with HOPWA housing) Includes:

- Once clients are moved into HOPWA housing, staff time spent on activities, such as drug, alcohol and or financial counseling, transportation issues, food, school, training, budgeting etc.
- Staff time spent connecting clients to medical care and other health care services
- Staff time spent checking in with clients to assess wellbeing and ongoing needs.
- Staff time spent creating, documenting and overseeing housing and client care plans.
- Staff time spent drug, alcohol and or financial counseling.
- Costs for individual clients such as bus fare, supplies for the living unit food pantry vouchers etc. (if provided)
- NOTE: Staff time spent working with the client to enroll them in a HOPWA housing unit is billed as a direct service delivery cost to the housing activity –STRMU, TBRA, PHP, FBHA.

Housing Information and Referral Services: (Only HOPWA service that can assist those who are not confirmed to have HIV or AIDS)

- Staff time in person or via phone and email spent on housing counseling, fair housing information, and referral services to assist an eligible person to locate, acquire, finance and maintain housing.
- Brochures discussing the HOPWA program services available in the Eligible Metropolitan Service Area (EMSA).
- Cost of supplies and postage for mailing out information to the public.
- Up to 3% of HOPWA award as Housing Info Services for Homeless Management Information System (HMIS) or HMIS-compliant systems to build upon or integrate with Ryan White CARE Act data systems (or other systems) as a tool for housing information services to support case manager activities, such as an electronic case file, reduce duplication in services, and provide essential data on client utilization to assess the effectiveness of the housing assistance. Also as a database tool to facilitate beneficiary access to available housing and related services, track available housing units.

Resource Identification:

- Up to 10% of award for Resource Identification for staff time spent on comprehensive planning, community meetings, and other activities to plan, 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 such as pre-development).

Technical Assistance

- Costs include activities to coordinate and assist in the development of housing resources for persons with HIV/AIDS and their families. Applicants proposing these activities must demonstrate that, if funded, their efforts are likely to result in making additional housing available to people with HIV/AIDS.

Lease or Repair of Facilities to Provide Housing and Services

- Very limited funds may be available for the lease or minor repair of facilities that house persons with HIV/AIDS. However, compelling need must be demonstrated. Applicants must show that they have been unable to access other sources of financing for these purposes.

HOPWA Administrative Costs Include:

- Includes those 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.

Workplan Overview Form – a screen shot of this section is provided below. This section will be used to create the Work Plan portion of the contract. Some of the information requested will be duplicative of information provided earlier in the application. You may copy/paste previous responses where appropriate when developing your Project Summary and/or Organizational Capacity narratives. Be sure to follow the guidance provided below.

The **Work Plan Period** should state the annual award period. For Year 1 the period will be: 1/1/2019 to 12/31/2019

The **Project Summary** section should include a high-level overview of the project as instructed. The narrative should also identify:

- Service Area;
- Annual number of individuals served;
- **FBHA Only** - Number of units (family), beds (singles);
- **FBHA Only** - Type of housing units (permanent, transitional, or both);
- Client Eligibility guidelines;
- Onsite services offered;
- Offsite services offered;
- How the program operates and a description of what grant funds will pay for; and
- How you determine/evaluate the success of the program.

The **Organizational Capacity** section should include the information requested and a brief description of any other services/programs offered by the organization.

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http://www.qtda.gov.au/

OTDA Intranet

WORK PLAN OVERVIEW FORM

Instructions:
The purpose of this form is to capture organizational information necessary for application processing, as well as a detailed accounting of the proposed or funded project. It is made up of three sections:

1. Project Summary
2. Organizational Capacity
3. Project Details - Objectives, Tasks and Performance Measures

If applicable, specific instructions/requirements for completing these sections may be found in the Grant Opportunity under which you are applying. Click Forms Menu to return to the navigation links.

Work Plan Period From To

Project Summary
Provide a high-level overview of the project, including the overall goal and desired outcomes. Include information such as location, target population, overall number of persons to be served, service delivery method and hours of operation.

0 of 50000

Organizational Capacity
Describe the staffing, qualifications and ongoing staff development/training activities, and relevant experience of the provider organization to support the project.

0 of 4000

Objectives and Tasks – This section will be used to set up quarterly reports and collect performance data. There are three pre-established Objectives-Tasks, they are listed below. Under the Forms menu click on Objectives-Tasks and the first objective with its description will appear along with an associated task. Click on view/add. For Performance Measure Name restate the Objective then enter the data requested in the box below; you may provide anticipated data where applicable. Click Save. Now go back to Forms Menu → Objectives and Tasks → select the next Objective from the drop-down menu in upper right corner → Go; continue in this manner until all three objectives/tasks are completed.

- **Unduplicated Count – Individuals with HIV/AIDS who qualify their household for HOPWA assistance** – Provide annual anticipated cumulative count.
- **Unduplicated Count – Other persons diagnosed as HIV positive who reside with the HOPWA qualifying individual counted above** – Provide annual anticipated cumulative count.
- **Unduplicated Count – Other persons NOT diagnosed as HIV positive who reside with the HOPWA qualifying individual counted above** – Provide annual anticipated cumulative count.

Pre-Submission Uploads Screen – This section contains forms for completion with recommended formats. You may download applicable forms by clicking on the appropriate link. Once a form is opened, click ‘Enable Editing’ at the top of the document to be able to enter data. Rename and save the completed form to your computer. Upload your completed form in the Pre-Submission Upload section and/or where indicated throughout the application. If required information is not available or cannot be produced, an explanation must be uploaded. You should complete and upload MWBE forms if requesting HOPWA funds for supplies, contractual, and/or equipment categories. If a contractual expense is with another nonprofit, MWBE forms are not applicable. The following is a list of the forms; copies of the forms begin on the next page.

- **HOPWA Budget Statement:** Use the excel form provided to show how funds will be split between eligible HOPWA activities (listed in Section IV). Upload.
- **Continuum of Care (CoC)/Planning Entity Letter of support:** Notify your local Continuum of Care or planning entity of your intent to apply and request a letter of support. A format document is provided. Upload the support letter once it is received.
- **Agreement:** Sign and date as indicated. Upload.
- **Agency Contact List:** Use the excel form provided. Upload.
- **Program Evaluation:** If any HOPWA funds have been received during the last three years, use the form provided describe the use of such funds and the benefits realized by the individuals receiving services. If no HOPWA funds were received during the last three years, label the form “Not Applicable” and include it with your application.
- **EEO Policy and MWBE Documents:** Complete all sections as indicated. Upload.
- **Documentation of Continuing Financial Support:** Complete all sections as indicated. Upload.
- **Federal Certifications:** Complete all sections as indicated. Upload.
- **Certification of General Local Government Approval:** Notify the unit of general local government in which the project is to be located of your intent to apply and request that the approval letter be completed. Upload the approval letter once it is received.
- **Grantee Quick Start Guide:** Use this document to aid you in completing your application in Grants Gateway.
- **Other:** Upload any other relevant documents.

XIV. PRE-SUBMISSION UPLOAD FORMS
HOPWA Budget Statement

HOPWA BUDGET STATEMENT								
On the budget form below, indicate the amount of annual funds being requested to support the proposed project for both Personal Services and Non-Personal Services.								
PERSONNEL COSTS								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Annual Total
Salary	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Personal Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
NON-PERSONNEL SERVICES								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Annual Total
Contractual	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Space/Property & Utilities	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Operating	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Non-Personal Services Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
PERSONAL SERVICE EXPENSE DETAIL								
Position Title	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Total Annual Salary (12 months)
	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Personnel Total	\$ -	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Fringe Benefits Total Rate:	\$0.00							\$0.00
Total Personal Services Cost	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Contractual Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Total
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Contractual Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Travel Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Total
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Travel Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Equipment Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual Facilities	Annual Supportive Services			Total
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Equipment Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Space/Property & Utilities Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual Facilities	Annual Supportive Services			Total
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Space/Property & Utilities Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Operating Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Total
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Operating Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Other Costs								
Item	Annual P/TBRA	Annual STRMU	Annual PHP	Annual FBHA	Annual Supportive Services			Total
Admin	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Long-term Rental Assistance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Short-term Rental Assistance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00
Total Other Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00

Instructions for Completion of the Budget Request

A brief narrative explanation/justification is required for all budgeted costs. Please use the Explanation Worksheet for the explanation/justification portion of each category of expense. Before completing the actual budget, please refer to the definitions and budget limitations set forth below.

Personnel Expense Detail

Employees who should be included on this form are those who will be paid (in full or in part) from the contract. List the titles of the appropriate personnel, salary or hourly, who provide both direct and eligible program support services. For hourly personnel, enter their anticipated annual wages under this column.

Please provide us the title and a brief job description for each position funded by this budget in the explanation/justification cell above.

Explanation/Justification for Personnel Expenses:

Fringe Benefits Expense Detail

For all employees, both salaried and hourly, it is required to pay mandatory employer payroll taxes: Social Security (FICA), NYS Unemployment Insurance (SUI), NYS Disability Insurance and Workers' Compensation. Additional fringe benefits such as pension, health, life and/or dental insurance may be provided. The total fringe benefit and payroll taxes chargeable to this program cannot exceed the Office of the State Comptroller's rate. This rate is currently a maximum of **59.97%**. The percentage of fringe benefits allocated for each position cannot be greater than the percentage of Salaries/Hourly Wages charged to the project, lower percentage may be allocated. For example if the project director spends 50% of her time on the project, only 50% of her total fringe benefits for the number of months in the term of the contract may be allocated to the project.

Explanation/Justification for Fringe Benefits Expenses:

Contractual Services Expense Detail

This section should include any costs that have a formal (written) or informal (oral) contract. Examples include any **consultants**, rental/lease of equipment, printing, photocopying, etc.

If contractual services are to be paid for by the contract, documentation must be included. Leases exceeding \$5000 will require three competitive bids for review by OTDA. If documentation is not available, include a reasonable estimate along with the basis for the calculation used to determine the cost.

Consultants may be institutions or organizations, as well as individuals who are self-employed, and are not supervised by your organization. They perform jobs as they determine appropriate, according to general descriptions provided in written agreements. Since they are not employees, they are responsible for their own mandatory fringe benefits, i.e., employer share of Social Security, Workers' Compensation and SUI, and are responsible for remitting their own State and Federal Income Taxes.

Please describe why the expenses are needed for the project on the explanation/justification worksheet. Requests in support of this grant category, if not with another not for profit or unit of local government, are required to demonstrate how they will use these purchases to meet MWBE goals. If the costs to be paid for by the contract are estimated (there is no contractual agreement as of yet), include a statement that documentation will be submitted prior to vouchering and will be subject to prior approval. All things being equal, the sponsor must lease with the lowest bidder. Attach a copy of the Consultant Agreement(s) with the application. If the consultant has not been selected and/or no Agreement is attached, indicate how the consultant costs were estimated and include a statement that the Agreement will be submitted prior to vouchering and will be subject to prior approval by the OTDA. ***Paid consultants may not be members of the Board of Directors.*** Indicate how each consultant will be paid, e.g. \$20 per hour x 80 hours or 6 days at \$75/day.

Explanation/Justification for Contractual Expenses:

Travel Expense Detail

Explain which staff will be traveling in relation to the project, the destination, purpose, and frequency of the travel. Consultant travel expenses should be included under consultant costs.

NYS has travel rates established for its employees. The rates charged may not exceed the current approved NYS rates. The mileage rate is currently **\$0.545** per mile for personal car. Hotel and per diem rates vary based on the destination. If more than the established NYS rates are spent, reimbursement will only be up to the NYS rates. A guide is available upon request for both in-state and out-of-state travel. Out of state travel is discouraged and expenses must be approved prior to claiming.

Please describe who is traveling, to where they are traveling, and how it is necessary to the project in the explanation/justification cell above. Consultant travel should not be included here, but should be included in the consultant rate.

Explanation/Justification for Travel Expenses:

Equipment Expense Detail

Equipment is any non-consumable, tangible property having a useful life of more than one year. Three written bids in response to written specifications are required for any item costing \$5,000 and over. Three telephone bids are required for items costing between \$501 and \$5,000. These bids must be attached to the contract. The amount of the selected bid should be in the budget. If bids have not yet been sought or if it has not been decided which bid to select, include a statement that bids will be provided prior to vouchering. The acquisition cost of general purpose and special equipment which exceed \$5,000 will be evaluated to determine if leasing is a practical and cost effective alternative. Substantial equipment purchases with contract dollars should be avoided. Equipment rental should be listed under "Contractual Services." Additionally, items costing \$500 or less per item are considered supplies.

If other than the low bidder is selected, provide a statement indicating why that vendor was selected. Factors that may influence selection are free delivery and installation, special features, better warranty or maintenance agreement, etc.

Describe the equipment looking to be purchased and how it relates to the project in the explanation/justification cell above.

Explanation/Justification for Equipment Expenses:

Space/Property & Utilities Expense Detail

Please list each utility expense separately.

Provide a brief description of each space and utility expense and how it is necessary for the project to operate successfully in the explanation/justification cell above.

Explanation/Justification for Space/Property & Utility Expenses:

Operating Expense Detail

These expenses are directly associated with the maintenance and operation of the project and its grounds. Such activities include, but are not limited to supplies, renovations/repairs, furniture, replacement costs, food and/or clothing for residents and other related activities for which a need is clearly articulated.

Describe how these expenses relate to the project and their necessity in the explanation/justification cell above. Provide costs for each type of item. If purchasing large ticket items that do not qualify as equipment (less than \$500 per item, for example, a copier or office furniture) please provide per item prices. If purchasing consumable supplies less detail may be provided (for example, file folders, copy paper, pens, etc. may be grouped together and listed as consumable office supplies, without the need for a per item cost).

Explanation/Justification for Operating Expenses:

Other Expense Detail

This section should include any costs incurred that do not fit into the other expense categories. **Administrative** expenses should be put in this section.

Allowable administrative costs are those costs relative to administering the HOPWA program, and which are directly related. Any personnel that provide both direct services and administrative duties may be split accordingly between the personnel and administrative cost categories. All administrative costs should be itemized in the explanation/justification cell below, not on the actual budget. Funds requested in support of administrative personnel are subject to Executive Order #38. Pursuant to this order, grant funds may not be used to support the salaries of administrative personnel that receive compensation in excess of \$199,000 without an approved waiver. OTDA may adjust the compensation cap annually based on appropriate factors and with the approval of the Director of the Division of Budget. OTDA's policy with regard to Executive compensation may be located at : <http://otda.ny.gov/legal/>.

Financial Assistance expenses should also be put in this section.

Tenant based rental assistance funds are available to pay on-going rental assistance subsidies for eligible recipients. Please estimate the number and type of units (e.g. one-bedroom, two bed-room) to be provided, the counties in which the units will be provided, and the size of the subsidy to be provided. Rents must adhere to the fair market rents applicable to the area in which they will be provided. **The total figure should appear in the TBRA column.**

Short-term rental assistance funds are available to pay short-term rental assistance subsidies for eligible recipients. Please estimate the number and type of payments to be made (e.g. rent, utilities, mortgage) to be provided, and the size of the subsidy to be provided. Limitations on the duration of subsidies are listed in the HOPWA regulations. **The total figure should appear in the STRMU column.**

Security Deposit and first month's rent funds are available to pay subsidies for eligible recipients. Please estimate the number and type of payments to be made (e.g. security deposit) to be provided, and the size of the subsidy to be provided. **The total figure should appear in the PHP column.**

Explanation/Justification for Other Expenses:

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CONTINUUM OF CARE (CoC) / PLANNING ENTITY LETTER OF SUPPORT

I, _____, as the representative of _____
Continuum of Care / Planning Entity, acknowledge that the aforementioned body fully supports
the _____ (program/project) administered by
_____ (Agency) and that this agency is a regular member
of our coordinating body.

Signature

Date

Printed Name

AGREEMENT

It is understood and agreed to by the applicant that (1) This RFP does not commit the New York State Office of Temporary and Disability Assistance (OTDA) to award any contracts, pay the costs incurred in the preparation of response to this RFP, or to procure or contract services. (2) OTDA reserves the right to amend, modify or withdraw this RFP and to reject any proposals submitted, and may exercise such right at any time and without notice and without liability to any offeror or other parties for their expenses incurred in the preparation of a proposal or otherwise. Proposals will be prepared at the sole cost and expense of the offeror. (3) OTDA reserves the right to accept or reject any or all proposals that do not completely conform to the instructions given in the RFP, including time frames for submission thereof. (4) Submission of a proposal will be deemed to be the consent of the applicant to any inquiry made by OTDA of third parties with regard to the applicant's experience or other matters deemed by OTDA relevant to the proposal. (5) Funds awarded for this project will be used only for the conduct of the project as approved. (6) The contract may be terminated in whole, or in part, by OTDA. Such termination shall not affect obligations incurred under the contract prior to the effective date of such termination. (7) When funds are advanced any unexpended balance or funds unaccounted for at the end of the approved period must be returned. (8) Any significant revision of the approved project proposal must be requested in writing by the contractor prior to enactment of the change. (9) Progress reports must be submitted as required by OTDA. The final program and financial reports must be submitted within a specified time period after the project terminates. Necessary records and accounts including financial and property controls will be maintained and made available to OTDA for audit purposes. (10) All reports of investigations, studies, and publications made as a result of this proposal must acknowledge the support provided by OTDA. (11) All personal information concerning individuals served or studies conducted under the project are confidential and such information may not be disclosed to unauthorized persons, corporations, or agencies. (12) OTDA reserves a royalty free non-exclusive license to use and to authorize others to use all copyrighted material resulting from this project. (13) Successful applicants will be subject to the State's prompt contracting law. (14) Selected contractors agree to be bound by the Affirmative Action/Equal Opportunities anti-discrimination provisions as more fully set forth in Section X, General Terms and Conditions of this RFP.

OTDA reserves the right, if funds become available, to make additional awards based on the remaining proposals submitted to this RFP, in lieu of releasing a new RFP, if deemed to be in the best interest of the State. The same evaluation criteria shall apply as used in the original selection process.

OTDA anticipates making an award to administer projects for a five (5) year contract cycle to be funded annually for one (1) year periods. For those applicants selected as a result of this Request for Proposals (RFP), subsequent year's funding may be at a decreased level.

The applicant certifies that to the best of his/her knowledge and belief the information in this application is true and correct, and that he/she will comply with the above agreement if the contract is received.

(Signature of official authorized to sign for applicant) (Date)

(Typed Name and Title) (Date)

AGENCY CONTACT FORM

Agency Name	
Program Name	

	Name	Direct Phone #	Email Address
Executive Director			
Program Manager			
Claim for Payment			
Quarterly Program Report			
Other Contact Name & Title			

PROGRAM EVALUATION

If any HOPWA funds have been received during the last three years, describe the use of such funds and the benefits realized by the individuals served by the funded projects.

If no HOPWA funds were received during the last three years, label the forms "Not Applicable" and include it with your application.

1. Provide a listing of HOPWA funds received from OTDA during the past three years.

Year/ Award Amount	Assistance/Service Provided	Use of Funds
Example: 15-16 / \$100,000	Long-term rental assistance; short-term rental assistance	2 Part-time staff; Case manager; rental payment
15-16		
16-17		
17-18		

1. Provide the number of households served by HOPWA funds during the past three years.

Year	Assistance/ Service Provided	Projected Number of Individuals to be Served	Actual Number of Individuals Served	Comment
15-16				
16-17				
17-18				

1. Provide justification for the continued need for HOPWA funds (Please elaborate with specific success or problems). Be sure to detail the reason(s) for any unspent funds to be left on the current HOPWA contract.

M/WBE GOAL REQUIREMENTS CERTIFICATION OF GOOD FAITH EFFORTS

Contractors (to include those who submit bids/proposals in an effort to be selected for contract award as well as those successful bidders/proposers with whom OTDA enters into State contracts) must document “good faith efforts” to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers/vendors in the performance of this contract.

The undersigned hereby acknowledges that he/she took or may need to take the following actions on behalf of the Contractor to demonstrate, and upon request by OTDA, to provide written verification to document the aforesaid good faith efforts:

- (a) The Contractor attended any pre-bid, pre-award, or other meetings scheduled by the contracting agency or the NYS Department of Economic Development or its designee to inform certified minority- or women-owned business enterprises of contracting and subcontracting opportunities available on the project, for purposes of complying with contract participation goal requirements;
- (b) The Contractor identified economically feasible units of the project that could be contracted or subcontracted to certified minority- and women-owned business enterprises in order to increase the likelihood of participation by such enterprises on the contract;
- (c) The Contractor undertook efforts to reasonably structure the contract scope of work for purposes of subcontracting with certified minority- and- women-owned business enterprises;
- (d) The Contractor advertised in a timely fashion and in appropriate general circulation, trade and minority- and women-oriented publications, if any, concerning the contracting or subcontracting opportunity;
- (e) The Contractor made written solicitations in a timely fashion to a reasonable number of certified minority- and women- owned business enterprises identified from current certified lists of such business enterprises provided or maintained by the NYS Empire State Development’s Division of Minority and Women Owned Business Development, or its designee, of the contracting or subcontracting opportunity. The directory of certified businesses can be viewed at: <http://esd.ny.gov/index.html>
- (f) The Contractor can document if any timely responses to any such advertisements and solicitations were provided by certified minority- and women-owned business enterprises;
- (g) The Contractor followed-up initial solicitations by contacting the enterprises to determine whether the enterprises were interested in such contracting or subcontracting opportunity;
- (h) The Contractor provided interested certified minority- and women-owned business enterprises in a timely fashion with adequate information about the plans, specifications or terms and conditions of the State contract and requirements for the contracting or subcontracting opportunity so as to prepare an informed response to a contractor solicitation;
- (i) The Contractor submitted a completed, acceptable utilization plan in accordance with applicable requirements to meet goals for participation of certified minority-and women-owned business enterprises established in the State contract;

**MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES-
EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT**

M/WBE AND EEO POLICY STATEMENT

I, _____, the (awardee/contractor) _____ agree to adopt the following policies with respect to the project being developed or services rendered at _____

M/WBE

This organization will and will cause its contractors and subcontractors to take good faith actions to achieve the M/WBE contract participations goals set by the State for that area in which the State-funded project is located, by taking the following steps:

- (1) Actively and affirmatively solicit bids for contracts and subcontracts from qualified State certified MBEs or WBEs, including solicitations to M/WBE contractor associations.
- (2) Request a list of State-certified M/WBEs from AGENCY and solicit bids from them directly.
- (3) Ensure that plans, specifications, request for proposals and other documents used to secure bids will be made available in sufficient time for review by prospective M/WBEs.
- (4) Where feasible, divide the work into smaller portions to enhanced participations by M/WBEs and encourage the formation of joint venture and other partnerships among M/WBE contractors to enhance their participation.
- (5) Document and maintain records of bid solicitation, including those to M/WBEs and the results thereof. The Contractor will also maintain records of actions that its subcontractors have taken toward meeting M/WBE contract participation goals.
- (6) Ensure that progress payments to M/WBEs are made on a timely basis so that undue financial hardship is avoided, and that, if legally permissible, bonding and other credit requirements are waived or appropriate alternatives developed to encourage M/WBE participation.

EEO

(a) This organization will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability or marital status, will undertake or continue existing programs of affirmative action to ensure that minority group members are afforded equal employment opportunities without discrimination, and shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on state contracts.

(b) This organization shall state in all solicitation or advertisements for employees that in the performance of the State contract all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex disability or marital status.

(c) At the request of the contracting agency, this organization shall request each employment agency, labor union, or authorized representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of this organization's obligations herein.

(d) The Contractor shall comply with the provisions of the Human Rights Law, all other State and Federal statutory and constitutional non-discrimination provisions. The Contractor and subcontractors shall not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

(e) This organization will include the provisions of sections (a) through (d) of this agreement in every subcontract in such a manner that the requirements of the subdivisions will be binding upon each subcontractor as to work in connection with the State contract

Agreed to this _____ day of _____, 2 _____

By _____

Print: _____ Title: _____

_____ is designated as the Minority Business Enterprise Liaison
(Name of Designated Liaison)

responsible for administering the Minority and Women-Owned Business Enterprises- Equal Employment Opportunity (M/WBE-EEO) program.

M/WBE Contract Goals

_____ % Minority and Women’s Business Enterprise Participation

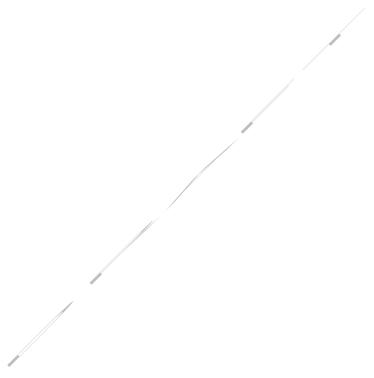
_____ % Minority Business Enterprise Participation

_____ % Women’s Business Enterprise Participation

(Authorized Representative)

Title: _____

Date: _____



M/WBE SUBCONTRACTORS AND SUPPLIERS LETTER OF INTENT TO PARTICIPATE

Contractor: [REDACTED]

Contract No.: [REDACTED]

Address: [REDACTED]

Federal ID#: [REDACTED]

Dear Contractor:

I, [REDACTED] intend to perform work for [REDACTED]
(Name of Subcontractor/Supplier) (Name of Prime Contractor)

My Minority/Women Business Enterprise (M/WBE) status as a MBE () and/or WBE () is certified as of [REDACTED].
(Certification date)

[REDACTED] is prepared to do the following:
(Name of Subcontractor/Supplier)

(Describe work to be performed on the above project)	Unit Price	Total Amount
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

You have projected [REDACTED] for such work to start.
(Commencement Date)

[REDACTED] will sign a formal contract for the above work conditioned
(Name of Subcontractor/Supplier)

upon the approval of your executed contract with the contractor.

Please choose one of the following options:

MBE: Subcontractor [REDACTED] Supplier [REDACTED]

WBE: Subcontractor [REDACTED] Supplier [REDACTED]

Company Official's Name: [REDACTED]

Title: [REDACTED]

Company Official's Signature

Date: [REDACTED]

Address: [REDACTED]

*****This section is to be completed by the prime contractor*****

Company Official's Name: [REDACTED]

Title: [REDACTED]

Company Official's Signature

Date: [REDACTED]

Telephone Number: [REDACTED]

Fax Number: [REDACTED]

M/WBE UTILIZATION PLAN

INSTRUCTIONS: This form must be submitted with any bid, proposal, or proposed negotiated contract or within a reasonable time thereafter, but prior to contract award. This Utilization Plan must contain a detailed description of the supplies and/or services to be provided by each certified Minority and Women-owned Business Enterprise (M/WBE) under the contract. Note – A dually certified firm cannot be counted toward both the MBE and WBE participation goals. Attach additional sheets if necessary.

Offeror's Name: [REDACTED]
 Address: [REDACTED]
 City, State, Zip Code: [REDACTED]
 Telephone No.: [REDACTED]
 Region/Location of Work: [REDACTED]

Federal Identification No.: [REDACTED]
 Solicitation Name/Contract No.: [REDACTED]
 MWBE Certified: Y/N [REDACTED]
 MWBE Participation Goals: MBE [REDACTED] % WBE [REDACTED] %

1. Certified M/WBE Subcontractors/Suppliers Name, Address, Email Address, Telephone No.	2. Classification	3. Federal ID No.	4. Detailed Description of Work (Attach additional sheets, if necessary)	5. Dollar Value of Subcontracts/Supplies/Services and intended performance dates of each component of the contract.
A. [REDACTED]	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE	[REDACTED]	[REDACTED]	[REDACTED]
B. [REDACTED]	NYS ESD CERTIFIED <input type="checkbox"/> MBE <input type="checkbox"/> WBE	[REDACTED]	[REDACTED]	[REDACTED]

6. IF UNABLE TO FULLY MEET THE MBE AND WBE GOALS SET FORTH IN THE CONTRACT, OFFEROR MUST SUBMIT A REQUEST FOR WAIVER FORM - OTDA - 4969.

PREPARED BY (Signature): [REDACTED]
 DATE: [REDACTED]

NAME AND TITLE OF PREPARER (Print or Type): [REDACTED]

TELEPHONE NO.: [REDACTED] EMAIL ADDRESS: [REDACTED]
 FOR MWBE USE ONLY

REVIEWED BY: [REDACTED] DATE: [REDACTED]

UTILIZATION PLAN APPROVED: YES NO Date: [REDACTED]

Contract No.: [REDACTED]
 Contract Award Date: [REDACTED]
 Estimated Date of Completion: [REDACTED]
 Amount Obligated Under the Contract: [REDACTED]
 Description of Work: [REDACTED]

NOTICE OF DEFICIENCY ISSUED: YES NO
 Date: [REDACTED]

NOTICE OF ACCEPTANCE ISSUED: YES NO
 Date: [REDACTED]

SUBMISSION OF THIS FORM CONSTITUTES THE OFFEROR'S ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE MWBE REQUIREMENTS SET FORTH UNDER NYS EXECUTIVE LAW, ARTICLE 15-A, 5 NYCRR PART 143, AND THE ABOVE-REFERENCED SOLICITATION. FAILURE TO SUBMIT COMPLETE AND ACCURATE INFORMATION MAY RESULT IN A FINDING OF NONCOMPLIANCE AND POSSIBLE TERMINATION OF YOUR CONTRACT.

STAFFING PLAN

Submit with Bid or Proposal – Instructions on page 2

Solicitation No.: [Redacted] **Reporting Entity:** [Redacted]

Offeror's Name: [Redacted] Workforce to be utilized on this contract

Offeror's Address: [Redacted] Offeror

Subcontractor

Subcontractor's name: [Redacted]

Report includes Contractor's/Subcontractor's:

Workforce to be utilized on this contract

Offeror

Subcontractor

Subcontractor's name: [Redacted]

Enter the total number of employees for each classification in each of the EEO-Job Categories identified

EEO-Job Category	Workforce by Gender		Workforce by Race/Ethnic Identification						Disabled (M) (F)	Native American (M) (F)	Veteran (M) (F)
	Total Male (M)	Total Female (F)	White (M) (F)	Black (M) (F)	Hispanic (M) (F)	Asian (M) (F)					
Officials/Administrators	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Professionals	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Technicians	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Sales Workers	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Office/Clerical	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Craft Workers	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Laborers	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Service Workers	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Temporary /Apprentices	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Totals	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

PREPARED BY (Signature): [Redacted] **TELEPHONE NO.:** [Redacted] **DATE:** [Redacted]

EMAIL ADDRESS: [Redacted]

NAME AND TITLE OF PREPARER (Print or Type): [Redacted] **Submit completed with bid or proposal**

General instructions: All Offerors and each subcontractor identified in the bid or proposal must complete an EEO Staffing Plan (M/WBE 101) and submit it as part of the bid or proposal package. Where the work force to be utilized in the performance of the State contract can be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form only for the anticipated work force to be utilized on the State contract. Where the work force to be utilized in the performance of the State contract cannot be separated out from the contractor's and/or subcontractor's total work force, the Offeror shall complete this form for the contractor's and/or subcontractor's total work force.

Instructions for completing:

1. Enter the Solicitation number that this report applies to along with the name and address of the Offeror.
2. Check the box acknowledging work force to be utilized on the contract.
3. Check off the appropriate box to indicate if the Offeror completing the report is the contractor or a subcontractor.
4. Enter the total work force by EEO job category.
5. Break down the anticipated total work force by gender and enter under the heading 'Work force by Gender'.
6. Break down the anticipated total work force by race/ethnic identification and enter under the heading 'Work force by Race/Ethnic Identification'. Contact the OM/WBE Permissible contact(s) for the solicitation if you have any questions.
7. Enter information on disabled or veterans included in the anticipated work force under the appropriate headings.
8. Enter the name, title, phone number and email address for the person completing the form. Sign and date the form in the designated boxes.

RACE/ETHNIC IDENTIFICATION

Race/ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. For the purposes of this form, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic group. The race/ethnic categories for this survey are:

- **WHITE** (Not of Hispanic origin) All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **BLACK** a person, not of Hispanic origin, who has origins in any of the black racial groups of the original peoples of Africa.
- **HISPANIC** a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
- **ASIAN & PACIFIC ISLANDER** a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands.
- **NATIVE INDIAN (NATIVE AMERICAN/ALASKAN NATIVE)** a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

OTHER CATEGORIES

- **DISABLED INDIVIDUAL** any person who: - has a physical or mental impairment that substantially limits one or more major life activity(ies) has a record of such an impairment; or - is regarded as having such an impairment.
- **VIETNAM ERA VETERAN** a veteran who served at any time between and including January 1, 1963 and May 7, 1975.

GENDER Male or Female

DOCUMENTATION OF CONTINUING FINANCIAL SUPPORT

NOTE: HOPWA funds cannot be used to supplant or replace local funding. This is an example of the format that should be followed regarding certification of continuing financial support.

AGENCY LETTERHEAD

Date

New York State Office of Temporary and Disability Assistance
Bureau of Housing Services
40 North Pearl Street, 10-C
Albany, NY 12243

Attention: Ms. Kaitlin Hallissey

To Whom It May Concern:

This is to certify that, to the best of my knowledge, the funds requested in my agency's 2018 HOPWA application will not be used to supplant or replace local financial participation in the proposed HOPWA program.

Sincerely,

Signature of Authorized Agency Representative

FEDERAL CERTIFICATIONS (Page 1 of 2)

I, _____, _____,
(Name) (Title)
of _____, hereby assure and certify that
(Name of applicant agency, hereinafter referred to as " the Applicant")

the Applicant will comply with the following items under the Housing Opportunities for Persons with AIDS Program:

1. All requirements of 24 Code of Federal Regulations (CFR) Part 574, entitled Housing Opportunities for Persons with AIDS (Attachment A).
2. The Applicant will comply with the environmental laws and authorities at 24 CFR Part 50, which implements the National Environmental Policy Act and related acts. The Applicant agrees to supply HUD with information necessary for it to perform any necessary environmental review of each property. The Applicant will carry out mitigating measures required by HUD or select alternate eligible property. The Applicant will not acquire, rehabilitate, convert, lease, repair or construct property to provide housing or commit HUD or local funds to such program activities with respect to any eligible property until HUD approval is received. See Section 574.510 for the environmental procedures and standards for applicants for assistance and such other information or certifications as HUD determines to be necessary.
3. Within the designated population:
 - (a) The Applicant will adhere to the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulation at 24 CFR Part 100; Executive Order 11063 and implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d] and implementing regulations issued at 24 CFR Part 1;
 - (b) The Applicant will comply with the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at (24 CFR Part 146), prohibiting discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C., 794) and implementing regulations at 45 CFR Part 84 prohibiting discrimination against handicapped individuals; Americans with Disabilities Act (ADA) of 1990 and regulations which implement the ADA, set forth at 42 CFR Section 12101 et seq. and executive order 11063 and regulations under 24 CFR Part 107 prohibiting discrimination on the basis of race, color, creed, sex or national origin;
 - (c) The Applicant will adhere to the requirements of Section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701a) regarding employment opportunities for lower-income residents of the project;
 - (d) The Applicant will adhere to the requirements of Executive Orders 11625, 12432, and 12138, that awardee or project sponsor must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities;
 - (e) The Applicant will establish additional procedures to ensure that interested persons can obtain information concerning assistance under this program in cases where established procedures are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or handicap, who may qualify for assistance; and
 - (f) The Applicant will comply with reasonable modification and accommodation requirements of the Fair Housing Act and, as appropriate, the accessibility requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, as amended.
4. The Applicant will 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

Section 574.630, and shall ensure such compliance notwithstanding any third party's contractual obligation to the grantee to comply with these provisions.

5. The Applicant will provide that any building or structure assisted with amounts under this part must be maintained as a facility to provide housing or assistance for eligible beneficiaries; (i) for not less than 10 years in the case of assistance involving new construction, substantial rehabilitation or acquisition of a building or structure; and (ii) for not less than 3 years in cases involving non-substantial rehabilitation or repair of a building or structure.
6. The Applicant will adhere to the policies, guidelines, and requirements of 24 CFR Part 85 (codified pursuant to OMB Circular No. A-102 and OMB Circular No. A-87) which apply to the acceptance and use of funds under the program by grantees and Nos. A-110 and A-122 apply as they relate to the acceptance and use of funds under this program by project sponsors.
7. The Applicant will provide drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 (41 U.S.C. 701).
8. No Federally appropriated funds have been or will be used for lobbying the Executive or Legislative Branches of the Federal Government as required by Section 319 of the Department of Interior Appropriations Act (Pub. L. 101-121), as approved October 23, 1989).
9. The Applicant will implement the provisions of 24 CFR Part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(Signature)*

(Date)

(Title)**If signed by anyone other than board chairperson, please attach a resolution of the board authorizing the signatory.

CERTIFICATION OF GENERAL LOCAL GOVERNMENT APPROVAL

I, _____, _____
(Official authorized to sign for applicant agency) (Title)

of _____, duly authorized to act on
(Name of the agency in which the local signatory serves)

behalf of _____ hereby approve the project
(Name of jurisdiction)

proposed by _____ to undertake eligible activities under
(Name of Project Sponsor Organization)

the Housing Opportunities for Persons with AIDS (HOPWA) program.

(Signature)

(Date)

Attachment A. Printed Copy of Grants Gateway Application



New York State
Grants Gateway

Program Specific Questions

These screen titles correlate with instructions in Section XIV in this RFP. The preview button on the screens (upper right) may be used to more easily view the answers you provide to questions as the application is being developed. Remember to save often! This application may also be printed at any time during the process for your reference. Do not send a printed copy to OTDA. Applications submitted outside of the Grants Gateway system may not be reviewed.

Failure to address each question completely will adversely affect the competitiveness of your proposal. All information provided should be verifiable. Source documentation, including date, should be identified. Although source documents may be uploaded with the application, only the information provided in direct response to the question will be evaluated and scored.

PROGRAM SPECIFIC QUESTIONS

Instructions:

1. Please complete all the required fields.
2. Select the **Save** button above to save your work frequently.

Project Title

These screen titles correlate with instructions in Section XIV in this RFP. The preview button on the screens (upper right) may be used to more easily view the answers you provide to questions as the application is being developed. Remember to save often! This application may also be printed at any time during the process for your reference. Do not send a printed copy to OTDA. Applications submitted outside of the Grants Gateway system may not be reviewed. Failure to address each question completely will adversely affect the competitiveness of your proposal. All information provided should be verifiable. Source documentation, including date, should be identified. Although source documents may be uploaded with the application, only the information provided in direct response to the question will be evaluated and scored.

1. Provide a brief executive summary of the proposed project. Please include service area, target population, type of housing (permanent, transitional, or both), anticipated number of individuals and families to be served, and the HOPWA activities (Tenant-based Rental Assistance, Short Term Rent, Mortgage and Utility Assistance, Permanent Housing Placement, Facility Based Housing Assistance, Support Services) to be provided. *

2. Describe the specific geographic area(s) to be served. (Be sure to include cities and counties). *

3. What is your community's estimated number and percentage/population of individuals and/or families who are living with HIV/AIDS in the geographic area(s) to be served? (Use current statistical data) *

4. What is the existing number of housing units dedicated solely for individuals and families living with HIV/AIDS for the geographic service area to be served? *

5. Describe the specific need in your geographic service area for housing and support services for those individuals who are low-income and living with HIV/AIDS and their families. Use relevant statistics. *

6. What other community agencies in the geographic area to be served provide services for individuals and families living with HIV/AIDS and how does your agency work with them to prevent duplication of effort? *

7. Describe how your proposal will enhance existing services listed above. *

8. Identify your local Continuum of Care's priority needs and how your agency participates in addressing/meeting those needs. Be specific and include any relevant statistics. *

9. Provide your insight into the community. Based on your agency's specific experience working with individuals/families with HIV/AIDS, discuss any relevant trends/changes not accurately represented by the statistics listed above. What is the availability and quality of affordable housing for the population you wish to serve? (permanent, transitional, both). *

10. Identify the employment needs of individuals and families living with HIV/AIDS. Describe the employment resources provided by your agency and available to them within the service area and how they are accessed by those served under this application. *

11. Does your agency currently participate in the Homeless Management Information System (HMIS)? If not, discuss what steps your agency will take towards participating in HMIS. *

12. Does your agency currently participate in an HIV Care Continuum? If yes, please describe those efforts.

13. Describe the population demographics and characteristics of the HIV/AIDS population to be served under this application. *

14. Describe the typical living situation of the majority of proposed program participants prior to being referred to your agency. Be sure to identify anticipated referral sources. *

15. Describe the special needs of the HIV/AIDS population. Include how these needs impact their ability to secure and/or maintain permanent housing and achieve self-sufficiency. *

16. Provide the estimated number of individuals to be served under this proposal per HOPWA activity (Tenant-based Rental Assistance, Short Term Rent, Mortgage and Utility Assistance, Permanent Housing Placement, Facility Based Housing Assistance, Support Services). *

17. Describe any critical gaps in services to those low-income individuals living with HIV/AIDS in the area that you propose to serve as supported by the description of the community. *

18. How will the services you are proposing respond to the gaps in services identified in the question above? Be sure to identify the specific types of services to be provided under this proposal. *

19. Provide a detailed description of the day-to-day operations of the proposed program. Describe the process for program participants from the point of referral to discharge (if applicable). Describe the intake process, including how eligibility is determined, the main source of referrals, and include anticipated program referrals and participant turnover procedures. *

20. Describe your agency's experience in providing housing support services, and employment assistance to this population. *

21. Explain how your agency will perform outreach for the proposed program, and how outreach efforts will be non-discriminative in nature. *

22. Explain how the proposed program will meet the needs of the participants and enhance their self-sufficiency. *

23. Describe and quantify the expected outcomes for the HOPWA activities outlined in question 16 Describe and quantify the expected outcomes for the services listed in question 18. *

24. Describe what form of after care will be used to measure participant program success and recidivism.*

25. Explain how the proposed program will provide program participants with appropriate medical care or referrals and case management. *

26. Describe the program's staffing pattern, and include job descriptions, staff qualifications and experience. *

27. If providing rental assistance, detail the proposed mechanism for assuring compliance with HUD's Housing Quality Standards and rent reasonableness. *

28. FBHA ONLY, OTHERWISE ENTER "N/A." Briefly describe the facility site(s), including location, size, type of building(s), and type of housing (e.g. emergency, transitional, permanent, scattered site). Indicate the operational status of each project for which funding is sought (e.g. "in development", "in construction", "operational"). If the site is not yet operational, when is it scheduled to become operational?

29. FBHA ONLY, OTHERWISE ENTER "N/A." What is the total number of units and beds? What is the total number of units and beds serving persons with HIV/AIDS?

30. Summarize all findings or issues raised by other Government funders regarding programs operated by your agency over the last two years. *

31. If you are currently funded, describe the potential impact on those currently housed by your agency should your application not be funded. *

32. Discuss/explain your ability to operate the program for the full contract term. If all units/staff will not be available on the contract start date, discuss when the program will be fully operational. Discuss how your agency intends to fully expend all funds within the full five year contract term. *

33. Describe how the amount of HOPWA funding requested was determined and how it relates to your overall program. *

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR data is current as of November 16, 2017

Title 24 → Subtitle B → Chapter V → Subchapter C → Part 574

Title 24: Housing and Urban Development

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

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§574.635 Lead-based paint.
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 §574.660 Housing counseling.

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

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

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Subpart A—General

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§574.3 Definitions.

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

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

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

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

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

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

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

Eligible State means a State that has:

- (1) More than 1,500 cumulative cases of AIDS in those areas of the State outside of eligible metropolitan statistical areas that are eligible to be funded through a qualifying city; and
- (2) A consolidated plan prepared, submitted, and approved in accordance with 24 CFR part 91 that covers the assistance to be provided under this part. (A State may carry out activities anywhere in the State, including within an EMSA.)

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

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

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

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

- (1) Is organized under State or local laws;
- (2) Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
- (3) Has a functioning accounting system that is operated in accordance with generally accepted accounting principles, or has designated an entity that will maintain such an accounting system; and

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

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

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

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

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

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

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

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

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

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

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Subpart B—Formula Entitlements

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§574.100 Eligible applicants.

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

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

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

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§574.110 Overview of formula allocations.

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

[61 FR 7963, Feb. 29, 1996]

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§574.120 Responsibility of applicant to serve EMSA.

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

[60 FR 1917, Jan. 5, 1995]

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§574.130 Formula allocations.

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

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

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

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

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§574.190 Reallocation of grant amounts.

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

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

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Subpart C—Competitive Grants

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§574.200 Amounts available for competitive grants.

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

- (1) Special projects of national significance; and
- (2) Other projects submitted by States and localities that do not qualify for formula grants.

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

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

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

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

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§574.210 Eligible applicants.

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

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

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

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§574.240 Application requirements.

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

[61 FR 7963, Feb. 29, 1996]

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§574.260 Amendments.

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

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

(1) HUD accepts the revised proposed use; and

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

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

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Subpart D—Uses of Grant Funds

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§574.300 Eligible activities.

(a) *General.* Subject to applicable requirements described in §§574.310, 574.320, 574.330, and 574.340, HOPWA funds may be used to assist all forms of housing designed to prevent homelessness including emergency housing, shared housing arrangements, apartments, single room occupancy (SRO) dwellings, and community residences. Appropriate supportive services, as required by §574.310(a), must be provided as part of any HOPWA assisted housing, but HOPWA funds may also be used to provide services independently of any housing activity.

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

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

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

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

- (4) New construction (for single room occupancy (SRO) dwellings and community residences only).
- (5) Project- or tenant-based rental assistance, including assistance for shared housing arrangements;
- (6) Short-term rent, mortgage, and utility payments to prevent the homelessness of the tenant or mortgagor of a dwelling;
- (7) Supportive services including, but not limited to, health, mental health, assessment, permanent housing placement, drug and alcohol abuse treatment and counseling, day care, personal assistance, nutritional services, intensive care when required, and assistance in gaining access to local, State, and Federal government benefits and services, except that health services may only be provided to individuals with acquired immunodeficiency syndrome or related diseases and not to family members of these individuals;
- (8) Operating costs for housing including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, and other incidental costs;
- (9) Technical assistance in establishing and operating a community residence, including planning and other pre-development or pre-construction expenses and including, but not limited to, costs relating to community outreach and educational activities regarding AIDS or related diseases for persons residing in proximity to the community residence;
- (10) Administrative expenses:
 - (i) Each grantee may use not more than 3 percent of the grant amount for its own administrative costs relating to administering grant amounts and allocating such amounts to project sponsors; and
 - (ii) Each project sponsor receiving amounts from grants made under this program may use not more than 7 percent of the amounts received for administrative costs.
- (11) For competitive grants only, any other activity proposed by the applicant and approved by HUD.

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

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

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§574.310 General standards for eligible housing activities.

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

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

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

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

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

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

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

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

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

- (ii) *Access.* The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.
- (iii) *Space and security.* Each resident must be afforded adequate space and security for themselves and their belongings. An acceptable place to sleep must be provided for each resident.
- (iv) *Interior air quality.* Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.
- (v) *Water supply.* The water supply must be free from contamination at levels that threaten the health of individuals.
- (vi) *Thermal environment.* The housing must have adequate heating and/or cooling facilities in proper operating condition.
- (vii) *Illumination and electricity.* The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliance while assuring safety from fire.
- (viii) *Food preparation and refuse disposal.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.
- (ix) *Sanitary condition.* The housing and any equipment must be maintained in sanitary condition.
- (c) *Minimum use period for structures.* (1) Any building or structure assisted with amounts under this part must be maintained as a facility to provide housing or assistance for individuals with acquired immunodeficiency syndrome or related diseases:
- (i) For a period of not less than 10 years, in the case of assistance provided under an activity eligible under §574.300(b) (3) and (4) involving new construction, substantial rehabilitation or acquisition of a building or structure; or
- (ii) For a period of not less than 3 years in the cases involving non-substantial rehabilitation or repair of a building or structure.
- (2) Waiver of minimum use period. HUD may waive the minimum use period of a building or structure as stipulated in paragraph (c)(1) of this section if the grantee can demonstrate, to the satisfaction of HUD, that:
- (i) The assisted structure is no longer needed to provide supported housing or assistance, or the continued operation of the structure for such purposes is no longer feasible; and
- (ii) The structure will be used to benefit individuals or families whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, if the Secretary finds that such variations are necessary because of construction costs or unusually high or low family incomes.
- (d) *Resident rent payment.* Except for persons in short-term supported housing, each person receiving rental assistance under this program or residing in any rental housing assisted under this program must pay as rent, including utilities, an amount which is the higher of:
- (1) 30 percent of the family's monthly adjusted income (adjustment factors include the age of the individual, medical expenses, size of family and child care expenses and are described in detail in 24 CFR 5.609). The calculation of the family's monthly adjusted income must include the expense deductions provided in 24 CFR 5.611(a), and for eligible persons, the calculation of monthly adjusted income also must include the disallowance of earned income as provided in 24 CFR 5.617, if applicable;
- (2) 10 percent of the family's monthly gross income; or
- (3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of the payment that is designated for housing costs.
- (e) *Termination of assistance—*(1) *Surviving family members.* With respect to the surviving member or members of a family who were living in a unit assisted under the HOPWA program with the person with AIDS at the time of his or her death, housing assistance and supportive services under the HOPWA program shall continue for a grace period following the death of the person with AIDS. The grantee or project sponsor shall establish a reasonable grace period for continued participation by a surviving family member, but that period may not exceed one year from the death of the family member with AIDS. The grantee or project sponsor shall notify the family of the duration of their grace period and may assist the family with information on other available housing programs and with moving expenses.
- (2) *Violation of requirements—*(i) *Basis.* Assistance to participants who reside in housing programs assisted under this part may be terminated if the participant violates program requirements or conditions of occupancy, subject to the VAWA protections in 24 CFR 5.2005(b) and 24 CFR 5.2005(c). Grantees must ensure that supportive services are provided, so that a participant's assistance is terminated only in the most severe cases.

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

- (A) Serving the participant with a written notice containing a clear statement of the reasons for termination;
- (B) Permitting the participant to have a review of the decision, in which the participant is given the opportunity to confront opposing witnesses, present written objections, and be represented by their own counsel, before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- (C) Providing prompt written notification of the final decision to the participant.

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

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

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§574.320 Additional standards for rental assistance.

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

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

- (i) The lower of the rent standard or reasonable rent for the unit; and
- (ii) The resident's rent payment calculated under §574.310(d).

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

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

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

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

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§574.330 Additional standards for short-term supported housing.

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

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

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

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

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

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

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

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

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

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

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§574.340 Additional standards for community residences.

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

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

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

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

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

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

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

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

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

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§574.350 Additional standards for broadband infrastructure.

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

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

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

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

[81 FR 92637, Dec. 20, 2016]

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Subpart E—Special Responsibilities of Grantees and Project Sponsors

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§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.

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§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.

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§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.

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§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.

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§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.

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§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.

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

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

[81 FR 80806, Nov. 16, 2016]

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Subpart F—Grant Administration

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§574.500 Responsibility for grant administration.

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

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

- (1) Operate the program in accordance with the provisions of these regulations and other applicable HUD regulations;
- (2) Conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program;
- (3) Assure the adequate provision of supportive services to the participants in the program; and
- (4) Comply with such other terms and conditions, including recordkeeping and reports (which must include racial and ethnic data on participants) for program monitoring and evaluation purposes, as HUD may establish for purposes of carrying out the program in an effective and efficient manner.

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

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

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§574.510 Environmental procedures and standards.

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

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

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

[68 FR 56130, Sept. 29, 2003]

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§574.520 Performance reports.

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

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

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

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§574.530 Recordkeeping.

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

- (a) Current and accurate data on the race and ethnicity of program participants.
- (b) Documentation related to the formula grantee's Assessment of Fair Housing, as described in 24 CFR 5.168.
- (c) Data on emergency transfers requested under 24 CFR 5.2005(e), pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

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

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§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]

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Subpart G—Other Federal Requirements

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§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]

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§574.603 Nondiscrimination and equal opportunity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

funding commitment is made on or after *December 16, 2016*. For competitive grants, compliance with the VAWA regulatory requirements under this section and 24 CFR part 5, subpart L, are required for awards made on or after *December 16, 2016*.

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

- (i) At the time the person is denied rental assistance or admission to a HOPWA-assisted unit;
- (ii) At the time the person is admitted to a HOPWA-assisted unit or is provided rental assistance;
- (iii) With any notification of eviction from the HOPWA-assisted unit or notification of termination of rental assistance; and
- (iv) During the 12-month period following December 16, 2016, either during annual recertification or lease renewal, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year after the rule takes effect, through other means.

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

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

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

[81 FR 80806, Nov. 16, 2016]

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

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

[80 FR 75938, Dec. 7, 2015]

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§574.625 Conflict of interest.

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

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

- (1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - (2) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.
- (c) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (b) of this section, HUD will consider the cumulative effect of the following factors, where applicable:
- (1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
 - (2) Whether the person affected is a member of a group or class of eligible persons and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
 - (3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the 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.

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

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§574.630 Displacement, relocation and real property acquisition.

- (a) *Minimizing displacement.* Consistent with the other goals and objectives of this part, grantees and project sponsors must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of a project assisted under this part.
- (b) *Relocation assistance for displaced persons.* A displaced person (defined in paragraph (f) of this section) must be provided relocation assistance at the levels described in, and in accordance with the requirements of, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR part 24.
- (c) *Real property acquisition requirements.* The acquisition of real property for a project is subject to the URA and the requirements described in 49 CFR part 24, subpart B.
- (d) *Appeals.* A person who disagrees with the grantee's or project sponsor's determination concerning whether the person qualifies as a "displaced person," or the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the grantee. A low-income person who is dissatisfied with the grantee's determination on his or her appeal may submit a written request for review of that determination to the HUD Field Office.
- (e) *Responsibility of grantee.* (1) Each grantee shall certify (i.e., provide assurance of compliance as required by 49 CFR part 24) that it will comply with the URA, the regulations at 49 CFR part 24, and the requirements of this section, and shall ensure such compliance notwithstanding any third party's contractual obligation to the grantee to comply with these provisions.
- (2) The cost of required relocation assistance is an eligible project cost in the same manner and to the same extent as other project costs. Such costs also may be paid for with funds available from other sources.
 - (3) The grantee shall maintain records in sufficient detail to demonstrate compliance with these provisions.
- (f) *Definition of displaced person.* (1) For purposes of this section, the term "displaced person" means a person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves personal property from real property, permanently, as a direct result of acquisition, rehabilitation, or demolition for a project assisted under this part. This includes any permanent, involuntary move for an assisted project including any permanent move for an assisted project, including any permanent move from the real property that is made:
- (i) After notice by the grantee, project sponsor, or property owner to move permanently from the property, if the move occurs on or after the date that the grantee submits to HUD an application for assistance that is later approved and funded;
 - (ii) Before the submission of the application to HUD, if the grantee, project sponsor, or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the assisted project; or

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

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

- (1) The tenant's monthly rent before the initiation of negotiations and estimated average utility costs, or
- (2) 30 percent of gross household income; or

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

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

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

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

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

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

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

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

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

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

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

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§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]

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§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.*).

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§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.

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§574.650 Audit.

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

[80 FR 75938, Dec. 7, 2015]

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§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]

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§574.660 Housing counseling.

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

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

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Need assistance?