

**STATE OF GEORGIA**  
**Department of Community Affairs**

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**Housing Opportunities for Persons with AIDS (HOPWA)**

State FY 2017  
Application Manual

## INTRODUCTION

The HOPWA program was authorized by the National Affordable Housing Act of 1990 and revised under the Housing and Community Development Act of 1992, to provide states and localities with the resources and incentives to devise long-term comprehensive strategies for meeting the housing needs of low-income persons with Acquired Immunodeficiency Syndrome (AIDS) or related diseases and their families.

The Housing Opportunities for Persons with AIDS (HOPWA) program is funded by Congress through the U.S. Department of Housing and Urban Development (HUD) on an annual formula allocation process. The Georgia Department of Community Affairs (DCA) assumes the grant administration responsibilities as the State of Georgia HOPWA grantee. Funds are appropriated annually by Congress to the U.S. Department of Housing and Urban Development (HUD) for administration of this program. HOPWA funds are allocated to eligible states and Eligible Metropolitan Statistical Areas (EMSAs) that meet the minimum number of cumulative AIDS Cases. States and metropolitan areas coordinate use of HOPWA funds with their respective Consolidated Plans, a collaborative process, which establishes a unified vision for community development actions.

The Georgia Department of community Affairs seeks proposals from eligible service providers to provide assistance to consumers within the state of Georgia under the Housing Opportunities for Persons with AIDS Program (HOPWA). DCA has developed a single application process for the distribution of HUD HOPWA funds. Approximately \$2 million dollars is expected to be available for HOPWA utilizing Federal funding resources. All HOPWA Grant awards are made through a competitive Request for Proposal process based on clients' needs, gaps in services, and ability of an agency to successfully implement the program.

All projects must comply with applicable federal, state, and local statutory requirements including but not limited to those set forth in Code in Federal Regulations 24 (CFR), Parts 50 and 574, as well as applicable administrative and accounting standards as set forth in Office of Management and Budget (OMB) Circulars, including A-87, A-102, A-122, and A-133.

HOPWA eligible metropolitan areas receive their HOPWA allocations directly from HUD and have specific guidelines and separate processes not included within the state's program. DCA's entitlement area serves 126 counties in Georgia that excludes the 29 county metropolitan Atlanta area and the 4 county metropolitan Augusta area, which includes the following:

<b>City of Atlanta HOPWA allocation from HUD to serve the 29 counties listed below</b>			
Barrow	Bartow	Butts	Carroll
Cherokee	Clayton	Cobb	Coweta
Dawson	DeKalb	Douglas	Fayette
Forsyth	Fulton	Gwinnett	Haralson
Heard	Henry	Jasper	Lamar
Morgan	Meriwether	Newton	Paulding
Pickens	Pike	Rockdale	Spalding
Walton			

<b>City of Augusta HOPWA allocation from HUD to serve the 4 counties listed below</b>			
Richmond	Burke	Columbia	McDuffie

For this reason, DCA will typically only consider HOPWA applications from within its HUD-designated 126 county service area. DCA will implement provisions to provide equity and stability of funding allocations across the 126 counties.

**Subject to availability of funds, and on a second priority basis, programs operating within the Atlanta and Augusta EMSAs may be eligible to receive GHFA HOPWA funds.**

To determine funding, DCA will rely upon factors such as previous compliance, including capacity of the organization to carry out the proposed programs, past budget and performance history, current budgets, level of service provided, cost per person, and other considerations. Agencies applying for continued HOPWA funding must demonstrate the direct, positive impact their program has had on the availability of housing and support services.

We thank you for your interest in serving Georgians with special housing needs and for your interest in our programs. We look forward to your partnership with the Department of Community Affairs. Please direct questions regarding this process to Phillis Thomas at 404.679.0651 or email at [phillis.thomas@dca.ga.gov](mailto:phillis.thomas@dca.ga.gov). You may also contact LaDrina Jones at 404.679.0564 or email at [ladrina.jones@dca.ga.gov](mailto:ladrina.jones@dca.ga.gov).

Georgia Department of Community Affairs  
Office of Homeless and Special Needs Housing  
2017 Request for Proposals  
Housing Opportunities for Persons with AIDS (HOPWA)

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## **SECTION 1 - HOPWA PROGRAM REQUIREMENTS**

### **Funding Priorities**

Funding priorities for state fiscal year 2016-2017 are listed below in items one, two, three and four reflecting the State's priority order of HOPWA Funding. Proposals to use HOPWA funds to provide services must give a full description of what is to be funded, and offer clear justification for the use of HOPWA funds.

1. Permanent Housing Programs
2. Permanent Housing Vouchers
3. Emergency Housing Assistance
4. Supportive Services

Additional points will be given to applicants who describe community needs that proposed programs and services above will address for youth and veterans with HIV/AIDS.

### **Continuous Quality Improvement**

Continuous Quality Improvement is a process to ensure programs are systematically and intentionally improving services and increasing positive outcomes for the families served with HOPWA funds. Applicants are required to undertake a consumer satisfaction survey, in which data is collected and used to make progressive changes for HIV/AIDS consumers. Consumers must be involved in every step of the Continuous Quality Improvement process.

### **Payment Standards**

Georgia Entitlement HOPWA program sponsors will use payment standards on a case by case basis for their Tenant-Based Rental Assistance (TBRA) program, which are set by their local public housing authority (PHA). Payment standards are used to calculate the housing assistance payment (HAP) that the PHA pays to the owner on behalf of the family leasing the unit. Each PHA has latitude in establishing its schedule of payment standard amounts by bedroom size. The range of possible payment standard amounts is based on the Department of Housing and Urban Development's published fair market rent (FMR) schedule for the FMR area in which the PHA has jurisdiction.

### **Environmental Reviews**

In accordance with [24 CFR Part 58](#), all HUD-funded, federally-assisted projects (CoC, ESG, and HOPWA), as well as all State of Georgia ESG assisted projects, are subject to the requirements for environmental review and documentation.

Organizations receiving such funds may not commit or expend any of these funds until an environmental review that meets the standards outlined in 24 CFR Part 58 has been approved by the certifying officer at DCA. Responsible Entity to complete the environmental review and clearance process. This applies to any property that funds are being used for (rapid rehousing, prevention, short-term rental assistance, as well as any facility based projects).

Please visit DCA's website for the Environmental Overview and Procedure, as well as the Environmental Review Request Form.

### **Reporting Requirements 2016-2017**

HOPWA project sponsors are required to submit Monthly Expenditure and Reimbursement Reports. These reports are used for federal and state reporting and ongoing program planning. It is extremely important that these reports be accurate and submitted on time each and every month.

Project sponsors are required to submit a Monthly Expenditure and Reimbursement Report. The expenditure report captures the number of clients served, the number of units of service provided, and the amount of expenditure by service categories during the month being reported. In order to maintain common reporting data elements across programs, DCA may update the report format. The reports must be submitted on or before the 15th of the month following the month being reported. Further, the monthly expenditure and reimbursement report is the only format that may be submitted as a reimbursement request for payment.

### **Succession Planning**

Succession planning is the organized process of identifying key leadership positions within each department and developing employees within your organization to assume these positions. It is a comprehensive plan to address both current and future leadership needs while maintaining the existing principles. DCA believes succession planning to be important as it ensures smooth changeover of business responsibilities from incumbent leaders to their succeeding competent personnel, thus ensuring that the organization can continue to succeed especially when key positions need to be filled. To begin the process of succession planning, an organization's leadership team/Board of Directors should identify key leadership positions by evaluating the impact of each position regarding achievement of strategic goals and objectives. Board approved succession plan must be submitted with the application.

### **Homeless Management Information System**

Project sponsor organizations with a priority mission to serve homeless persons and receive HOPWA funding are required by Federal regulation to participate in their local HMIS. Project sponsor organizations with a priority mission to service PLWH/A, and periodically assist clients who are homeless are encouraged to participate in the State's HMIS implementation.

## **SECTION 2 - APPLICATION SUBMISSION REQUIREMENTS**

**Online submission** – This year prospective HOPWA applicants must complete an online “Registration” in order to receive log-in/password information. The registration will open on Friday, March 4, 2016, and will remain open until 5 p.m. on Friday, March 18, 2016. Once prospective applicants complete their online registration, they will receive a login and password. This login information will enable the organization to complete additional information requests online.

Information provided through the Housing Solutions Online system is to certify to DCA that your agency is eligible to receive funding. Completion of this task does not guarantee funding. Applicants are reminded that failure to submit complete documentation may result in denial of the funding request. Applicants must submit or update all organizational information by the application deadline/due date. Applicants who do not meet this deadline will not be considered for funding.

**Application Deadline** – Your organizational information and application for HOPWA funding is due through the online system on or before **12:00 Noon EST on Tuesday, April 5, 2016**. The DCA staff will review all HOPWA applications, and funding decisions will be announced by June 30, 2016.

To receive funding consideration, submit applications on forms provided by DCA. The applicant must also provide required certifications and provide all supporting documentation requested by DCA. Each applicant must demonstrate to the satisfaction of DCA that it is in compliance with Federal, State and local laws and regulations, and that it is capable of carrying out requested programs. Incomplete or ineligible applications, including applications that do not adequately address local approval(s) may be denied. A complete application includes **ALL** requested forms and documentation.

**Awards are made at the sole discretion of the Department of Community Affairs. Funding decisions are final and are not subject to an appeal.**

Awards will be based on a demonstrated need and best value. Weight will be given to the cost effectiveness of each proposal. DCA staff will review all proposals, assisted by such other personnel as it deems appropriate. In addition to a staff review, DCA reserves the right to conduct site visits and solicit the opinion of other sources of funding agents prior to making a funding decision.

### SECTION 3 - LOCAL CERTIFICATIONS AND APPROVALS

Consistency with a local Jurisdiction's Consolidated Plan: All applicants for housing and service programs located within local HUD Consolidated Plan jurisdictions must obtain "certification(s) of consistency" with the local HUD Consolidated Plan. Local HUD Consolidated Plan jurisdictions are the cities of Albany, Atlanta, Brunswick, Dalton, Gainesville, Hinesville, Johns Creek, Macon, Rome, Sandy Springs, Savannah, Valdosta and Warner Robins, the counties of Cherokee, Clayton, Cobb (including Marietta), DeKalb, Fulton (including Roswell) and Gwinnett, and the consolidated governments of Athens-Clarke, Augusta-Richmond and Columbus-Muscogee. **For a list of contacts, see [DCA HOPWA ONLY WEBPAGE](#).**

Local Approval of Nonprofit's Application: The HOPWA regulations also require the approval of local government before DCA enters into a contract with a nonprofit organization to conduct HOPWA-related activities. In issuing approval, the local government may use discretion regarding the depth of each review. Factors that may be considered by local governments in granting approval might include consistency with HUD plans (if applicable), participation in local provider networks, participation in local Continuum of Care Planning, etc. Approval may also be subject to local codes and ordinances.

Local approval subject to conditions is acceptable and welcomed by DCA, provided that the local government clearly authorizes DCA to proceed with funding. Applications that do not adequately address local approval may be denied or returned unprocessed.

**Which local government "approves" my application?** To determine the appropriate approving local jurisdiction(s) the applicant must determine whether or not the program or applicant-controlled site is located within the corporate limits of a city. If so, then the appropriate approving jurisdiction is that city. If not, the appropriate approving jurisdiction is the county. If the applicant controls sites located in multiple jurisdictions, then multiple jurisdictional approvals will be necessary.

### SECTION 4: ELIGIBLE APPLICANTS - APPLICANT QUALIFICATIONS

**Eligible Applicants:** Local units of government are eligible to apply. To the extent determined under State law and DCA, private, secular or faith-based nonprofit organizations are also eligible to apply for funds. Nonprofit organizations must demonstrate collaboration with local mainstream service providers, Ryan White Consortium and local homeless provider groups. Applicants are expected to participate in continuum of care planning appropriate to the jurisdiction where their activities are located to the satisfaction of those jurisdiction(s).

According to Federal law and regulation, the term "*private nonprofit organization*" means a secular or religious organization described in section 501(c) of Title 26 that is exempt from taxation under Subtitle A, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance in a manner that is free from religious influences.

According to the State law, "*nonprofit organization*" means any corporation, trust, association, cooperative, other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term nonprofit organization includes nonprofit institutions of higher education and hospitals.

Under State law, DCA must collect and evaluate organizational and financial information from nonprofit organizations in order to establish the capacity of the nonprofit organization prior to making an award, and to report funding amounts to the Georgia Department of Audits and Accounts.

**Additional Eligibility Criteria** - Current or past DCA grantees must be in compliance with all DCA programs and grant agreements to apply for and receive funds under this program.

## **SECTION 5 - PROGRAM DESCRIPTION/ELIGIBLE ACTIVITIES**

All applicants receiving funds will be required, by contract, to comply with the Federal regulations governing the HOPWA program. These regulations are found at 24 CFR Part 574. The Federal regulations list several basic program activities that are eligible for funding under HOPWA. While DCA will accept applications to fund most of these activities, funding priority will be given to proposals that support:

- 1) Permanent Housing Programs, Permanent Housing Vouchers, Emergency Housing Assistance, Supportive Services
- 2) Describe community needs that proposed programs and services for youth and veterans with HIV/AIDS.
- 3) Continue programs that have a demonstrated track record of success in providing eligible services
- 4) Result in the continuation or expansion of housing units available to low-income persons with HIV/AIDS and their families;
- 5) Serve geographic areas in which persons with HIV/AIDS are underserved;
- 6) Fill gaps in the continuum of housing and support services that cannot be funded through other Federal, State, local, and/or private sources; and
- 7) 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.

Based on these objectives, activities eligible for funding under DCA's HOPWA program must (1) provide housing through long-term assistance, apartments, SRO dwellings, and community residence services, (2) provide housing through tenant-based rental assistance which is a subsidy that covers a portion of full rent based on adjusted or gross income, (3) provide financial assistance to prevent homelessness through temporary or emergency shelter, short-term rent, mortgage, and utility payments, and (4) provide quality housing support services, case management, to assist clients with achieving and maintaining housing stability that maximize a continuum of care approach for persons living with HIV/AIDS.

## **SECTION 6 – FUNDING FACTORS**

**Maximum Grant Amounts and Funding Factors** - There are no minimum and maximum funding amounts established for this program. Applicants are advised to scale their requests based on housing need for eligible persons, organizational capacity, funding history, the types of activities proposed, number of counties served, including participation in state or regional referral networks. Applicants are encouraged to develop cost effective proposals. For those applicants seeking continued funding, past spending practices and performance will be considered when determining award amounts. In the event DCA has determined through the competitive process that an existing sponsor with a history of unspent contact monies should be awarded new funds, DCA reserves the right to reduce the award based on the contractual history and the reasonableness of the request. Existing grantees must justify the need for an increase in funds if requesting an amount in excess of past awards.

For the 2016-2017 grant cycle, the grant amount must be expended by June 30, 2017. Continuation funding is not to be assumed or implied. Decisions about funding are based on needs assessment, quality assurance, program performance and available funding. The funding period covers July 1, 2016 – June 30, 2017.

**Leveraging** - All applicants are encouraged to provide 50% of the value of each program with other cash, in-kind services or donations.

**Leveraged Funds:** The amount of funds expended during the operating year from non-HOPWA Federal, State, local, and private sources by grantees in dedicating assistance to HOPWA consumers.

**In-Kind Leveraged Resources:** Additional types of support provided to assist HOPWA beneficiaries such as volunteer services, materials, use of equipment and building space. The value of any donated material, equipment, building, or lease should be based on the fair market value at time of donation.

## SECTION 7 - GENERAL APPLICATION INFORMATION

### **The Federal Funding Accountability and Transparency Act of 2006**

*Important notice regarding new mandatory federal reporting requirements:* The Federal Funding Accountability and Transparency Act of 2006 requires sub-recipients receiving federal funds to register with Dun and Bradstreet (D & B) to obtain a D-U-N-S number and complete or renew their registration in the Central Contractor Registration. Completing these registration processes is free, but may take up to 10 days to complete. A D-U-N-S number and confirmation that your agency is active in CCR is required as part of this year's application. **No awards will be made without this information.**

**HOPWA Financial Management** - Beginning in fiscal year (FY) 2012, HUD required as a condition of funding that Grantees ensure that each project sponsor agrees to either obtain a certificate of completion of HOPWA Financial Management Online Training ([see HOPWA Resources section for link to website](#)) by at least one of its employees, or to demonstrate financial management capacity by the use of other credentials related to Federal requirements at Title 24, Code of Federal Regulations (CFR), Part 85.20, as specified in a HUD-approved plan.

To ensure compliance, DCA will require that at least one employee of each Contractor or sub-recipient has completed the online Financial Training. If that staff member leaves the HOPWA program, another current staff member must complete the training.

**Lead-Based Paint Requirements** – Specifically, lead-based paint rules apply when:

1. Housing to be assisted was constructed before 1978;
2. Residents will include a pregnant woman or a child six years of age or younger; and
3. The rent or mortgage assistance payments will exceed 100 consecutive days.

All housing meeting the above criteria must receive a lead-based paint visual assessment before assistance may be provided.

Staff must complete an online training course before they are allowed to perform assessments. ([see HOPWA Resources section for link to website](#)). To ensure compliance, DCA will require that at least one employee of each Contractor or sub-recipient has completed the online training. If that staff member leaves the HOPWA program, another current staff member must complete the training.

## SECTION 8 - HOPWA PROGRAM INFORMATION

First-time HOPWA applicants must submit policies and procedures for this program during the application process. Policies and procedures must provide consideration for persons with a disability or other extenuating circumstances that will require ongoing assistance beyond five years. Consumers participating in the HOPWA Program must receive the support of a qualified case manager whose primary responsibilities are to assist clients with accessing a variety of services, including Housing Choice vouchers and support services, provide clients with appropriate referrals, assist clients in the development of a Housing Stability Plan, follow-up with clients, as needed, maintains detailed case notes, records, correspondence and telephone log and utilize a case tracking system maintenance and follow-up. **Job descriptions must be submitted with your application.** If approved, funding for staff under supportive service costs, which includes conducting assessments and case management, is allowable at 100%.

Only 7% of the grant amount allocated is allowable for administrative costs which are costs associated with general management, oversight, coordination, evaluation, and reporting on eligible activities.

Within fifteen (15) days of the start of any HOPWA assistance, the consumer with the help of the HOPWA case manager will develop and commit to an individualized Housing Plan. The primary goal of the Housing Plan is to assist the consumer in maintaining independence from HOPWA at the end of the time-limited assistance. Documentation of efforts to help the clients to maintain affordable housing must be maintained in the client's file. The HOPWA provider reserves the right to refuse further assistance if the consumer does not demonstrate an effort to implement all or portion of his or her Housing Plan. Policies and procedures addressing this requirement must be submitted with your application.

Absent disabilities, the HOPWA TBRA Program must be a time-limited comprehensive program not to exceed five years designed to prevent homelessness and to help low-income people with HIV and AIDS to live independently.

**Periodic "Good Neighbor" Inspections** for properties supported by HOPWA TBRA funds should be an asset to not only the program, but to its surrounding neighborhood. From time to time a DCA Housing Inspector may conduct a visual inspection of property participating in any of the HOPWA programs. Depending on that review, the DCA inspector may contact your agency to schedule a complete Housing Quality Standards Inspection of the property to ensure compliance.

Rent payments to individual landlords cannot exceed \$600 gross for the calendar year unless a tax identification number is provided. Sponsors are responsible for completing 1099's annually for individual landlords receiving rental payments in excess of \$600 annually. Mortgage companies, property management companies, and real estate companies are not required to provide these numbers.

**Preference for Persons with Disabilities** - HOPWA grantees are strongly encouraged to document disability at first encounter. This is because HUD places much preference for persons with disabilities in its Continuum of Care programs. DCA's disability verification format (required for DCA S+C programs) is online at [http://www.dca.state.ga.us/housing/specialneeds/programs/downloads/ShelterPlusCare/2\\_DCA\\_DisabilityVerification\\_\(REV09-06\).doc](http://www.dca.state.ga.us/housing/specialneeds/programs/downloads/ShelterPlusCare/2_DCA_DisabilityVerification_(REV09-06).doc).

In general, HUD finds a person with disabilities to be an adult either (1) on SSI/SSDI, (2) with developmental disability, or (3) based on physician certification, *a person with a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that ability to live independently could be improved by more suitable housing condition.*

## SECTION 9 - APPLICABLE LAWS, STANDARDS AND REQUIREMENTS

**Compliance with Fair Housing Laws** - Comply with the fair housing requirements including all applicable provisions of the Americans with Disabilities Act (Title 42, United States Code Sections 12101–12213) and implementing regulations at Title 28, CFR, Part 35 (States and local government grantees) and Part 36 (public accommodations and requirements for certain types of short-term housing assistance).

**Conflict of Interest Requirements** - In addition to the conflict of interest requirements in OMB Circular A-102 and 24 CFR 85.36 (b) (3), no person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee or project sponsor and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds there under, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

**Faith Based Activities** - Faith-based and religious organizations may not discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief. Organizations that are religious or faith-based are eligible on the same basis as any other non-profit organization. These organizations may not engage in inherently religious activities, such as worship, religious instruction or proselytization as a part of programs or services funded under the HOPWA program. If an organization conducts such activities, the activities must be offered separately in time or location from the programs or services funded under the HOPWA program. Participation in such activities must be voluntary for clients.

Faith-based or religious organizations will retain their independence from Federal, State and local governments, and may carry out their missions, including the definition, practice and expression of religious beliefs, provided that no HOPWA funds are used to support any inherently religious activities, such as worship, instruction or proselytization. Organizations may use space in their facilities to provide HOPWA services without removing religious art, icons, scriptures or other religious symbols. Organizations may also retain authority over internal governance, including terms in organization name, selection of board members on a religious basis, and religious references in mission statements and other governing documents.

**Affirmative Outreach** - Adopt affirmative outreach procedures to ensure that all persons who qualify for assistance, regardless of race, color, religion, gender, age, national origin, familial status, sexual orientation, 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.

**Limited English Proficiency** - In order to ensure meaningful access by persons with Limited English Proficiency (LEP persons) to its HOPWA funded programs, HOPWA grantees must take steps in accordance with DCA's Language Access Plan to encourage the participation of LEP persons for services provided by the grantee in any of the 18 counties identified by DCA where LEP populations exceed the Department of Justice's Safe Harbor 5% threshold: Atkinson, Clayton, Cobb, Colquitt, DeKalb, Echols, Evans, Gilmer, Gordon, Grady, Gwinnett, Habersham, Hall, Murray, Polk, Telfair, Tift, and Whitfield. Within this population in each of these counties, the native language is Spanish. To review DCA's Language Access Plan, please visit DCA's website at: [http://www.dca.ga.gov/main/downloads/DCA\\_LAP.pdf](http://www.dca.ga.gov/main/downloads/DCA_LAP.pdf).

**Reporting Requirements** - Maintain (for a four-year period) financial records sufficient to ensure proper accounting and disbursing of amounts received from HOPWA funds and make the records available to HUD or DCA for inspection. HOPWA grantees must provide performance information (goals and actual outputs) for all activities undertaken during the operating year supported with HOPWA funds.

Performance is measured by the number of households and units of housing that were supported with HOPWA or other federal, state, local, or private funds for the purposes of providing housing assistance and support to persons living with HIV/AIDS and their families. HOPWA grantees must report the source(s) of cash or in-kind leveraged federal, state, local or private resources used in the delivery of the HOPWA program and the amount of leverage dollars.

Due to time constraints of submitting the State's Consolidated Annual Performance and Evaluation Report (CAPER), individual HOPWA CAPERs are DUE to DCA no later than 5:00 PM on July 31st of each year.

Project sponsors must submit complete HOPWA data by the deadline, or risk having their reimbursement privileges suspended and/or the processing of contracts suspended until such time as DCA receives the data. Substantial errors or completeness issues within reports submitted can also result in the suspension of funds until such time that accurate data is submitted.

**Compliance with House Bill (HB) 87** - House Bill (HB) 87, the "Illegal Immigration Reform and Enforcement Act of 2011" was signed into law by Governor Nathan Deal on May 13, 2011. For contracts on or after July 1, 2011, HB 87 requires DCA and the Georgia Housing and Finance Authority (GHFA) to only contract with entities that are registered with the e-verify program and to obtain an affidavit from the entity certifying participation in the e-verify program. Any subsequent subcontractors (or subcontractors of subcontractors) utilizing DCA or GHFA funds must also participate in the e-verify program and must provide a sworn Affidavit with the e-verify I.D. number. A copy of O.C.G.A. 13-10-91 is on the DCA website for reference. DCA-funded organizations must complete and execute a "Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)." Note that this Affidavit must be executed by the person that executes the DCA HOPWA Program Participation Agreement. It is necessary also that any subcontractors (and subcontractors of subcontractors) utilizing funds under the Agreement provide (to you, and then from you to DCA) the "Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)."

**Georgia Open Records Act** - All records created as a result of the submission of an Application to participate are subject to disclosure under the Georgia Open Records Act and the applicant expressly consents to such disclosure. The Applicant agrees to hold harmless the State Housing Trust Fund for the Homeless, the Georgia Housing and Finance Authority and the Georgia Department of Community Affairs against all losses, costs, damages, expenses, and liability of any nature or kind (including but not limited to attorney's fees, litigation and court costs) directly or indirectly resulting from or arising out of the release of any information pertaining to the Applicant's submission of an Application and implementation of any activities as a result of funding under this program, pursuant to a request under the Georgia Open Records Act.

#### **State and Federal Financial Reporting/Audit Requirements for Nonprofit Agencies**

On July 1, 1998 Senate Bill 474 became effective as law (OCGA Title 50, Chapter 20) in Georgia. This chapter is entitled Relations With Nonprofit Contractors. The law states that "*The intent of this chapter is to provide auditing and reporting requirements for nonprofit organizations which provide services and facilities to the state, to ensure the financial accountability of nonprofit contractors, and to develop adequate information concerning nonprofit contractors. The General Assembly finds that the state has a right and a duty to monitor nonprofit organizations which contract with the state to ensure that their activities are in the public interest and to ensure that public funds are used for proper purposes.*"

According to the State law, 'nonprofit organization' means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term nonprofit organization includes nonprofit institutions of higher education and hospitals. For financial reporting purposes, guidelines issued by the American Institute of Certified Public Accountants should be followed in determining nonprofit status.

As a result and among other requirements, DCA must obtain minimum organizational and financial information from nonprofit organizations in order to establish the viability of the nonprofit organization and to report award and funding amounts to the State Department of Audits. In return for funds, and among other requirements, nonprofit organizations must make appropriate reports to the state auditor and to each state agency from which it received funds for each fiscal year within 180 days from the close of the nonprofit organization's fiscal year.

Reporting formats vary based upon the amount of "state funds" received by nonprofit organizations during the organization's fiscal year.

This law also sets forth responsibilities of the state auditor and covers measures to be taken by state agencies if there are matters of non-compliance. Copies of the law and associated guidance are available upon request by calling Patricia Wright of DCA at (404) 327-6856. For further compliance information nonprofit applicants are encouraged to first contact their own internal auditors.

Additional information may be obtained from the State Office of Audits as follows: Georgia Department of Audits, Non-Profit and Local Government Audits Division, 270 Washington Street SW, Suite 1-156, Atlanta, GA 30334-8400. The contact is Mr. Edward Blaha; phone (404) 651-5115, Email [blahaef@audits.ga.gov](mailto:blahaef@audits.ga.gov).

### **Other State and Federal Requirements**

To the extent practicable, as determined by DCA, grantees must comply with the HUD HOPWA Program Regulations at 24 CFR Part 574, as amended. Program requirements include, but are by no means limited to, the following:

- 1) All grants to non-profit organizations are subject to the administrative requirements and cost principals outlined in OMB Circulars A-110 and A-122. These requirements for local governments are outlined in 24 CFR, Part 85 and OMB Circular A-87.
- 2) Costs requested for reimbursement via automatic deposit by DCA must be "reasonable and justifiable," and are only eligible to the extent that they are consistent with the program approved by DCA.
- 3) All funds will be reimbursable to grantees based upon actual program expenses with supporting documentation (retained by grantee).
- 4) Expenses are only eligible to the extent that they benefit "eligible persons" under the HOPWA program, as defined herein.
- 5) Environmental - All grants are subject to environmental review in accordance with the federal regulations governing HOPWA programs.